2018

SESSION LAWS

OF THE

STATE OF WASHINGTON

2018 REGULAR SESSION
SIXTY-FIFTH LEGISLATURE
Convened January 8, 2018. Adjourned March 8, 2018.

Published at Olympia by the Statute Law Committee under Chapter 44.20 RCW.

K. KYLE THIESSEN
Code Reviser

http://www.leg.wa.gov/codereviser

WASHINGTON SESSION LAWS
GENERAL INFORMATION

1. EDITIONS AVALIABLE.

   (a) *General Information.* The session laws are printed in a permanent softbound edition containing the accumulation of all laws adopted in the legislative session. The edition contains a subject index and tables indicating Revised Code of Washington sections affected.

   (b) *Where and how obtained - price.* The permanent session laws may be ordered from the Statute Law Committee, Pritchard Building, P.O. Box 40552, Olympia, Washington 98504-0552. The edition costs $25.00 per set plus applicable state and local sales taxes and $7.00 shipping and handling. All orders must be accompanied by payment.

2. PRINTING STYLE - INDICATION OF NEW OR DELETED MATTER.

   The session laws are presented in the form in which they were enacted by the legislature. This style quickly and graphically portrays the current changes to existing law as follows:

   (a) In amendatory sections

      (i) underlined matter is new matter.

      (ii) deleted matter is ((~~lined out and bracketed between double parentheses~~)).

   (b) Complete new sections are prefaced by the words NEW SECTION.

3. PARTIAL VETOES.

   (a) Vetoed matter is ***printed in bold italics.***

   (b) Pertinent excerpts of the governor's explanation of partial vetoes are printed at the end of the chapter concerned.

4. EDITORIAL CORRECTIONS. Words and clauses inserted in the session laws under the authority of RCW 44.20.060 are enclosed in [brackets].

5. EFFECTIVE DATE OF LAWS.

   (a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The Secretary of State has determined the effective date for the Laws of the 2018 regular session is June 7, 2018.

   (b) Laws that carry an emergency clause take effect immediately, or as otherwise specified, upon approval by the Governor.

   (c) Laws that prescribe an effective date take effect upon that date.

6. INDEX AND TABLES.

   A cumulative index and tables of all 2018 laws may be found at the back of the final volume.

TABLE OF CONTENTS

TABLE OF CONTENTS

TABLE OF CONTENTS

TABLE OF CONTENTS

TABLE OF CONTENTS

CHAPTER 1

[Engrossed Substitute Senate Bill 6091]

WATER AVAILABILITY

AN ACT Relating to ensuring that water is available to support development; amending RCW 19.27.097, 58.17.110, 90.03.247, and 90.03.290; adding a new section to chapter 36.70A RCW; adding a new section to chapter 36.70 RCW; adding a new chapter to Title 90 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

PART 1

Sec. 101. RCW 19.27.097 and 2015 c 225 s 17 are each amended to read as follows:

(1)(a) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. ((~~In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency.~~)) An application for a water right shall not be sufficient proof of an adequate water supply.

(b) In a water resource inventory area with rules adopted by the department of ecology pursuant to section 202 or 203 of this act and the following water resource inventory areas with instream flow rules adopted by the department of ecology under chapters 90.22 and 90.54 RCW that explicitly regulate permit-exempt groundwater withdrawals, evidence of an adequate water supply must be consistent with the specific applicable rule requirements: 5 (Stillaguamish); 17 (Quilcene-Snow); 18 (Elwha-Dungeness); 27 (Lewis); 28 (Salmon-Washougal); 32 (Walla Walla); 45 (Wenatchee); 46 (Entiat); 48 (Methow); and 57 (Middle Spokane).

(c) In the following water resource inventory areas with instream flow rules adopted by the department of ecology under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals, evidence of an adequate water supply must be consistent with section 202 of this act, unless the applicant provides other evidence of an adequate water supply that complies with chapters 90.03 and 90.44 RCW: 1 (Nooksack); 11 (Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville).

(d) In the following water resource inventory areas with instream flow rules adopted by the department of ecology under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals, evidence of an adequate water supply must be consistent with section 203 of this act, unless the applicant provides other evidence of an adequate water supply that complies with chapters 90.03 and 90.44 RCW: 7 (Snohomish); 8 (Cedar-Sammamish); 9 (Duwamish-Green); 10 (Puyallup-White); 12 (Chambers-Clover); 13 (Deschutes); 14 (Kennedy-Goldsborough); and 15 (Kitsap).

(e) In water resource inventory areas 37 (Lower Yakima), 38 (Naches), and 39 (Upper Yakima), the department of ecology may impose requirements to satisfy adjudicated water rights.

(f) Additional requirements apply in areas within water resource inventory area 3 (Lower Skagit-Samish) and 4 (Upper Skagit) regulated by chapter 173-503 WAC, as a result of *Swinomish Indian Tribal Community v. Department of Ecology*, 178 Wn.2d 571, 311 P.3d 6 (2013).

(g) In other areas of the state, physical and legal evidence of an adequate water supply may be demonstrated by the submission of a water well report consistent with the requirements of chapter 18.104 RCW.

(h) For the purposes of this subsection (1), "water resource inventory areas" means those areas described in chapter 173-500 WAC as of the effective date of this section.

(2) In addition to other authorities, the county or city may impose additional requirements, including conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency.

(3) Within counties not required or not choosing to plan pursuant to RCW 36.70A.040, the county and the state may mutually determine those areas in the county in which the requirements of subsection (1) of this section shall not apply. The departments of health and ecology shall coordinate on the implementation of this section. Should the county and the state fail to mutually determine those areas to be designated pursuant to this subsection, the county may petition the department of enterprise services to mediate or, if necessary, make the determination.

(((~~(3)~~))) (4) Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties.

(5) Any permit-exempt groundwater withdrawal authorized under RCW 90.44.050 associated with a water well constructed in accordance with the provisions of chapter 18.104 RCW before the effective date of this section is deemed to be evidence of adequate water supply under this section.

NEW SECTION. **Sec. 102.** A new section is added to chapter 36.70A RCW to read as follows:

For the purposes of complying with the requirements of this chapter relating to surface and groundwater resources, a county or city may rely on or refer to applicable minimum instream flow rules adopted by the department of ecology under chapters 90.22 and 90.54 RCW. Development regulations must ensure that proposed water uses are consistent with RCW 90.44.050 and with applicable rules adopted pursuant to chapters 90.22 and 90.54 RCW when making decisions under RCW 19.27.097 and 58.17.110.

NEW SECTION. **Sec. 103.** A new section is added to chapter 36.70 RCW to read as follows:

For the purposes of complying with the requirements of this chapter, county development regulations must ensure that proposed water uses are consistent with RCW 90.44.050 and with applicable rules adopted pursuant to chapters

90.22 and 90.54 RCW when making decisions under RCW 19.27.097 and 58.17.110.

Sec. 104. RCW 58.17.110 and 1995 c 32 s 3 are each amended to read as follows:

(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

(3) If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city, town, or county legislative body must adopt the designated name.

(4) If water supply is to be provided by a groundwater withdrawal exempt from permitting under RCW 90.44.050, the applicant's compliance with RCW 90.44.050 and with applicable rules adopted pursuant to chapters 90.22 and 90.54 RCW is sufficient in determining appropriate provisions for water supply for a subdivision, dedication, or short subdivision under this chapter.

PART 2

NEW SECTION. **Sec. 201.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

(2) "Lead agency" has the same meaning as defined in RCW 90.82.060.

(3) "Water resource inventory area" or "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on the effective date of this section.

NEW SECTION. **Sec. 202.** (1) Unless requirements are otherwise specified in the applicable rules adopted under this chapter or under chapter 90.22 or 90.54 RCW, potential impacts on a closed water body and potential impairment to an instream flow are authorized for new domestic groundwater withdrawals exempt from permitting under RCW 90.44.050 through compliance with the requirements established in this section.

(2) In the following water resource inventory areas with instream flow rules adopted by the department under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals and that have completed a watershed plan adopted under chapter 90.82 RCW, the department shall work with the initiating governments and the planning units described in chapter 90.82 RCW to review existing watershed plans to identify the potential impacts of exempt well use, identify evidence-based conservation measures, and identify projects to improve watershed health: 1 (Nooksack); 11 (Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville).

(3) In the water resource inventory areas listed in subsection (2) of this section, the lead agency shall invite a representative from each federally recognized Indian tribe that has a usual and accustomed harvest area within the water resource inventory area to participate as part of the planning unit.

(4)(a) In collaboration with the planning unit, the initiating governments must update the watershed plan to include recommendations for projects and actions that will measure, protect, and enhance instream resources and improve watershed functions that support the recovery of threatened and endangered salmonids. Watershed plan recommendations may include, but are not limited to, acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, such projects as floodplain restoration, off-channel storage, and aquifer recharge. Qualifying projects must be specifically designed to enhance streamflows and not result in negative impacts to ecological functions or critical habitat.

(b) At a minimum, the watershed plan must include those actions that the planning units determine to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic water use. The highest priority recommendations must include replacing the quantity of consumptive water use during the same time as the impact and in the same basin or tributary. Lower priority projects include projects not in the same basin or tributary and projects that replace consumptive water supply impacts only during critical flow periods. The watershed plan may include projects that protect or improve instream resources without replacing the consumptive quantity of water where such projects are in addition to those actions that the planning unit determines to be necessary to offset potential consumptive impacts to instream flows associated with permit-exempt domestic water use.

(c) Prior to adoption of the updated watershed plan, the department must determine that actions identified in the watershed plan, after accounting for new projected uses of water over the subsequent twenty years, will result in a net

ecological benefit to instream resources within the water resource inventory area.

(d) The watershed plan may include:

(i) Recommendations for modification to fees established under this subsection;

(ii) Standards for water use quantities that are less than authorized under RCW 90.44.050 or more or less than authorized under subsection (5) of this section for withdrawals exempt from permitting;

(iii) Specific conservation requirements for new water users to be adopted by local or state permitting authorities; or

(iv) Other approaches to manage water resources for a water resource inventory area or a portion thereof.

(e) Any modification to fees collected under subsection (5) of this section or standards for water use quantities that are less than authorized under RCW 90.44.050 or more or less than authorized under subsection (5) of this section for withdrawals exempt from permitting may not be applied unless authorized by rules adopted under this chapter or under chapter 90.54 RCW.

(5) Until an updated watershed plan is approved and rules are adopted under this chapter or chapter 90.54 RCW, a city or county issuing a building permit under RCW 19.27.097(1)(c), or approving a subdivision under chapter 58.17 RCW in a watershed listed in subsection (2) of this section must:

(a) Record relevant restrictions or limitations associated with water supply with the property title;

(b) Collect applicable fees, as described under this section;

(c) Record the number of building permits issued under chapter 19.27 RCW or subdivision approvals issued under chapter 58.17 RCW subject to the provisions of this section;

(d) Annually transmit to the department three hundred fifty dollars of each fee collected under this subsection;

(e) Annually transmit an accounting of building permits and subdivision approvals subject to the provisions of this section to the department;

(f) Until rules have been adopted that specify otherwise, require the following measures for each new domestic use that relies on a withdrawal exempt from permitting under RCW 90.44.050:

(i) An applicant shall pay a fee of five hundred dollars to the permitting authority;

(ii) An applicant may obtain approval for a withdrawal exempt from permitting under RCW 90.44.050 for domestic use only, with a maximum annual average withdrawal of three thousand gallons per day per connection.

(6) Rules adopted under this chapter or under chapter 90.54 RCW may:

(a) Rely on watershed plan recommendations and procedures established in this section to authorize new withdrawals exempt from permitting under RCW 90.44.050 that would potentially impact a closed waterbody or a minimum flow or level;

(b) Rely on projects identified in the watershed plan to offset consumptive water use; and

(c) Include updates to fees based on the planning unit's determination of the costs for offsetting consumptive water use.

(7)(a) If a watershed plan that meets the requirements of this section is not adopted in water resource inventory area 1 (Nooksack) by February 1, 2019, the department must adopt rules for that water resource inventory area that meet the requirements of this section by August 1, 2020.

(b) If a watershed plan that meets the requirements of this section is not adopted in water resource inventory area 11 (Nisqually) by February 1, 2019, the department must adopt rules for that water resource inventory area that meet the requirements of this section by August 1, 2020.

(c) The department must adopt rules that meet the requirements of this section for any of the following water resource inventory areas that do not adopt a watershed plan that meets the requirements of this section by February 1, 2021: 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville).

(8) This section only applies to new domestic groundwater withdrawals exempt from permitting under RCW 90.44.050 in the following water resource inventory areas with instream flow rules adopted under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals: 1 (Nooksack); 11 (Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville) and does not restrict the withdrawal of groundwater for other uses that are exempt from permitting under RCW 90.44.050.

NEW SECTION. **Sec. 203.** (1) Unless requirements are otherwise specified in the applicable rules adopted under this chapter or chapter 90.22 or 90.54 RCW, potential impacts on a closed water body and potential impairment to an instream flow are authorized for new domestic groundwater withdrawals exempt from permitting under RCW 90.44.050 through compliance with the requirements established in this section.

(2)(a) In the following water resource inventory areas with instream flow rules adopted by the department under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals and that have either not adopted a watershed plan, or adopted a partial watershed plan, under chapter 90.82 RCW, the department shall establish watershed restoration and enhancement committees in the following water resource inventory areas: 7 (Snohomish); 8 (Cedar-Sammamish); 9 (Duwamish-Green); 10 (Puyallup-White); 12 (Chambers-Clover); 13 (Deschutes); 14 (Kennedy-Goldsborough); and 15 (Kitsap).

(b) The department shall chair the watershed restoration and enhancement committee and invite the following entities to participate:

(i) A representative from each federally recognized Indian tribe that has reservation land within the water resource inventory area;

(ii) A representative from each federally recognized Indian tribe that has a usual and accustomed harvest area within the water resource inventory area;

(iii) A representative from the department of fish and wildlife, appointed by the director of the department of fish and wildlife;

(iv) A representative designated by each county within the water resource inventory area;

(v) A representative designated by each city within the water resource inventory area;

(vi) A representative designated by the largest irrigation district within the water resource inventory area;

(vii) A representative designated by the largest publicly owned water purveyor providing water within the water resource inventory area that is not a municipality;

(viii) A representative designated by a local organization representing the residential construction industry within the water resource inventory area;

(ix) A representative designated by a local organization representing environmental interests within the water resource inventory area; and

(x) A representative designated by a local organization representing agricultural interests within the water resource inventory area.

(3) By June 30, 2021, the department shall prepare and adopt a watershed restoration and enhancement plan for each watershed listed under subsection (2)(a) of this section, in collaboration with the watershed restoration and enhancement committee. Except as described in (h) of this subsection, all members of a watershed restoration and enhancement committee must approve the plan prior to adoption.

(a) The watershed restoration and enhancement plan should include recommendations for projects and actions that will measure, protect, and enhance instream resources and improve watershed functions that support the recovery of threatened and endangered salmonids. Plan recommendations may include, but are not limited to, acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes but is not limited to such projects as floodplain restoration, off-channel storage, and aquifer recharge. Qualifying projects must be specifically designed to enhance stream flows and not result in negative impacts to ecological functions or critical habitat.

(b) At a minimum, the plan must include those actions that the committee determines to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic water use. The highest priority recommendations must include replacing the quantity of consumptive water use during the same time as the impact and in the same basin or tributary. Lower priority projects include projects not in the same basin or tributary and projects that replace consumptive water supply impacts only during critical flow periods. The plan may include projects that protect or improve instream resources without replacing the consumptive quantity of water where such projects are in addition to those actions that the committee determines to be necessary to offset potential consumptive impacts to instream flows associated with permit-exempt domestic water use.

(c) Prior to adoption of the watershed restoration and enhancement plan, the department must determine that actions identified in the plan, after accounting for new projected uses of water over the subsequent twenty years, will result in a net ecological benefit to instream resources within the water resource inventory area.

(d) The watershed restoration and enhancement plan must include an evaluation or estimation of the cost of offsetting new domestic water uses over the subsequent twenty years, including withdrawals exempt from permitting under RCW 90.44.050.

(e) The watershed restoration and enhancement plan must include estimates of the cumulative consumptive water use impacts over the subsequent twenty years, including withdrawals exempt from permitting under RCW 90.44.050.

(f) The watershed restoration and enhancement plan may include:

(i) Recommendations for modification to fees established under this subsection;

(ii) Standards for water use quantities that are less than authorized under RCW 90.44.050 or more or less than authorized under subsection (4) of this section for withdrawals exempt from permitting;

(iii) Specific conservation requirements for new water users to be adopted by local or state permitting authorities; or

(iv) Other approaches to manage water resources for a water resource inventory area or a portion thereof.

(g) After adoption of a watershed restoration and enhancement plan, the department shall evaluate the plan recommendations and initiate rule making, if necessary, to incorporate recommendations into rules adopted under this chapter or under chapter 90.22 or 90.54 RCW. Any modification to fees collected under subsection (4) of this section or standards for water use quantities that are less than authorized under RCW 90.44.050 or more or less than authorized under subsection (4) of this section for withdrawals exempt from permitting may not be applied unless authorized by rules adopted under this chapter or under chapter 90.54 RCW.

(h) If the watershed restoration and enhancement committee fails to approve a plan by June 30, 2021, the director of the department shall submit the final draft plan to the salmon recovery funding board established under RCW 77.85.110 and request that the salmon recovery funding board provide a technical review and provide recommendations to the director to amend the final draft plan, if necessary, so that actions identified in the plan, after accounting for new projected uses of water over the subsequent twenty years, will result in a net ecological benefit to instream resources within the water resource inventory area. The director of the department shall consider the recommendations and may amend the plan without committee approval prior to adoption. After plan adoption, the director of the department shall initiate rule making within six months to incorporate recommendations into rules adopted under this chapter or under chapter 90.22 or 90.54 RCW, and shall adopt amended rules within two years of initiation of rule making.

(4)(a) Until a watershed restoration and enhancement plan is approved and rules are adopted under subsection (3) of this section, a city or county issuing a building permit under RCW 19.27.097(1)(d), or approving a subdivision under chapter 58.17 RCW in a watershed listed in subsection (2)(a) of this section must:

(i) Record relevant restrictions or limitations associated with water supply with the property title;

(ii) Collect applicable fees, as described under this section;

(iii) Record the number of building permits issued under chapter 19.27 RCW or subdivision approvals issued under chapter 58.17 RCW subject to the provisions of this section;

(iv) Annually transmit to the department three hundred fifty dollars of each fee collected under this subsection;

(v) Annually transmit an accounting of building permits and subdivision approvals subject to the provisions of this section to the department;

(vi) Until rules have been adopted that specify otherwise, require the following measures for each new domestic use that relies on a withdrawal exempt from permitting under RCW 90.44.050:

(A) An applicant shall pay a fee of five hundred dollars to the permitting authority;

(B) Except as provided in (b) of this subsection, an applicant may obtain approval for a withdrawal exempt from permitting under RCW 90.44.050 for domestic use only, with a maximum annual average withdrawal of nine hundred fifty gallons per day per connection; and

(C) An applicant shall manage stormwater runoff on-site to the extent practicable by maximizing infiltration, including using low-impact development techniques, or pursuant to stormwater management requirements adopted by the local permitting authority, if locally adopted requirements are more stringent.

(b) Upon the issuance of a drought emergency order under RCW 43.83B.405, the department may curtail withdrawal of groundwater exempt from permitting under RCW 90.44.050 and approved under this subsection (4) to no more than three hundred fifty gallons per day per connection for indoor use only. Notwithstanding the limitation to no more than three hundred fifty gallons per day per connection for indoor use only, an applicant may use groundwater exempt from permitting to maintain a fire control buffer during a drought emergency order.

(5) Rules adopted under this chapter or chapter 90.54 RCW may:

(a) Rely on watershed restoration and enhancement plan recommendations and procedures established in this section to authorize new withdrawals exempt from permitting under RCW 90.44.050 that would potentially impact a closed waterbody or a minimum flow or level;

(b) Rely on projects identified in the watershed restoration and enhancement plan to offset consumptive water use; and

(c) Include updates to fees based on the watershed restoration and enhancement committee's determination of the costs for offsetting consumptive water use.

(6) This section only applies to new domestic groundwater withdrawals exempt from permitting under RCW 90.44.050 in the following water resource inventory areas with instream flow rules adopted under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals: 7 (Snohomish); 8 (Cedar-Sammamish); 9 (Duwamish-Green); 10 (Puyallup-White); 12 (Chambers-Clover); 13 (Deschutes); 14 (Kennedy-Goldsborough); and 15 (Kitsap) and does not restrict the withdrawal of groundwater for other uses that are exempt from permitting under RCW 90.44.050.

NEW SECTION. **Sec. 204.** (1) The department shall initiate two pilot projects to measure water use from all new groundwater withdrawals for domestic purposes exempt from permitting under RCW 90.44.050 in the areas described in this section. The pilot projects must be conducted to determine the overall feasibility of measuring water use for all new groundwater withdrawals. The department must purchase and provide meters to be used in the pilot projects. The pilot projects must be conducted in the area under the Dungeness water rule, chapter 173-518 WAC, within water resource inventory area 18 and

the area in which the Kittitas county water bank program operates within water resource inventory area 39.

(2) At a minimum, the pilot project must address the following:

(a) Initial and on-going costs, including costs to local government and the department;

(b) Technical, practical, and legal considerations that must be addressed;

(c) The costs and benefits of a water use measurement program relying on individual meters versus a water management program that estimates permit-exempt groundwater withdrawals; and

(d) Measures to protect the privacy of individual property owners and ensure accurate data collection.

(3) The department shall report on the pilot project results in the report to the legislature submitted under section 205 of this act. The department shall include recommendations to the legislature, including estimated program costs for expanding the pilot projects to other basins.

NEW SECTION. **Sec. 205.** The department shall submit a report to the legislature by December 31, 2020, and December 31, 2027, in compliance with RCW 43.01.036, that includes the following elements:

(1) Progress in completing and adopting watershed plans under section 202 of this act and watershed restoration and enhancement plans under section 203 of this act;

(2) A description of program projects and expenditures;

(3) An assessment of the streamflow restoration and enhancement benefits from program projects;

(4) A listing of other efforts or actions taken associated with streamflow restoration and enhancement, projects to benefit instream resources, and other directly related watershed improvements conducted in coordination with the restoration and enhancement planning process;

(5) The total number of new withdrawals exempt from permitting under RCW 90.44.050 authorized in each water resource inventory area under provisions of sections 202 and 203 of this act, and estimates of consumptive water use impacts associated with the new withdrawals; and

(6) A description of potential or planned projects, including projected costs and anticipated streamflow, water supply, and watershed health benefits.

NEW SECTION. **Sec. 206.** (1) The watershed restoration and enhancement account is created in the custody of the state treasurer. All receipts from fees paid pursuant to sections 202 and 203 of this act must be deposited into the account. The account may also receive those moneys as may be appropriated by the legislature for the purpose of funding restoration and enhancement projects as identified in sections 202 and 203 of this act. Expenditures from the account may be used only for the costs of administering this act, including implementing watershed planning projects under section 202 of this act and watershed restoration and enhancement projects under section 203 of this act, and collecting data and completing studies necessary to develop, implement, and evaluate watershed restoration and enhancement projects under this act. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Fee revenues collected under sections 202 and 203 of this act must be used exclusively within the water resource inventory area in which the fee originated. The restriction in this subsection does not apply to moneys in the watershed restoration and enhancement account that do not originate from fees collected under sections 202 and 203 of this act.

NEW SECTION. **Sec. 207.** (1) The watershed restoration and enhancement taxable bond account is created in the custody of the state treasurer. All receipts from direct appropriations from the legislature or moneys directed to the account from any other source must be deposited in the account. The account is intended to fund projects using taxable bonds. Expenditures from the account may be used only as provided for in this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Expenditures from the watershed restoration and enhancement taxable bond account may be used to assess, plan, and develop projects that include acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, projects such as floodplain restoration, off-channel storage, and aquifer recharge, or other actions designed to provide access to new water supplies with priority given to projects in watersheds developing plans as directed by sections 202 and 203 of this act and watersheds participating in the pilot project in section 204 of this act.

NEW SECTION. **Sec. 208.** (1) The watershed restoration and enhancement bond account is created in the custody of the state treasurer. All receipts from direct appropriations from the legislature or moneys directed to the account from any other source must be deposited in the account. The account is intended to fund projects using tax exempt bonds. Expenditures from the account may be used only as provided for in this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Expenditures from the watershed restoration and enhancement bond account may be used to assess, plan, and develop projects that include acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, projects such as floodplain restoration, off-channel storage, and aquifer recharge, or other actions designed to provide access to new water supplies with priority given to projects in watersheds developing plans as directed by sections 202 and 203 of this act and watersheds participating in the pilot project in section 204 of this act.

PART 3

NEW SECTION. **Sec. 301.** (1) A joint legislative task force on water resource mitigation is established to review the treatment of surface water and groundwater appropriations as they relate to instream flows and fish habitat, to develop and recommend a mitigation sequencing process and scoring system to address such appropriations, and to review the Washington supreme court

decision in *Foster v. Department of Ecology*, 184 Wn.2d 465, 362 P.3d 959 (2015).

(2) The task force must consist of the following members:

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the department, appointed by the director of the department;

(d) A representative from the department of fish and wildlife, appointed by the director of the department of fish and wildlife;

(e) A representative from the department of agriculture, appointed by the director of the department of agriculture;

(f) One representative from each of the following groups, appointed by the consensus of the cochairs of the task force:

(i) An organization representing the farming industry in Washington;

(ii) An organization representing Washington cities;

(iii) Two representatives from an environmental advocacy organization or organizations;

(iv) An organization representing municipal water purveyors;

(v) An organization representing business interests;

(vi) Representatives of two federally recognized Indian tribes, one invited by recommendation of the Northwest Indian fisheries commission, and one invited by recommendation of the Columbia river intertribal fish commission.

(3) One cochair of the task force must be a member of the majority caucus of one chamber of the legislature, and one cochair must be a member of the minority caucus of the other chamber of the legislature, as those caucuses existed as of the effective date of this section.

(4) The first meeting of the task force must occur by June 30, 2018.

(5) Staff support for the task force must be provided by the office of program research and senate committee services. The department and the department of fish and wildlife shall cooperate with the task force and provide information as the cochairs reasonably request.

(6) Within existing appropriations, the expenses of the operations of the task force, including the expenses associated with the task force's meetings, must be paid jointly and in equal amounts by the senate and the house of representatives. Task force expenditures are subject to approval by the house executive rules committee and the senate facility and operations committee. Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7)(a) By November 15, 2019, the joint legislative task force must make recommendations to the legislature in compliance with RCW 43.01.036.

(b) Recommendations of the joint legislative task force must be made by a sixty percent majority of the members of the task force. The representatives of the departments of fish and wildlife, ecology, and agriculture are not eligible to vote on the recommendations. Minority recommendations that achieve the

support of at least five of the named voting members of the task force may also be submitted to the legislature.

(8) The department shall issue permit decisions for up to five water resource mitigation pilot projects. It is the intent of the legislature to use the pilot projects to inform the legislative task force process while also enabling the processing of water right applications that address water supply needs. The department is authorized to issue permits in reliance upon water resource mitigation of impacts to instream flows and closed surface water bodies under the following mitigation sequence:

(a) Avoiding impacts by: (i) Complying with mitigation required by adopted rules that set forth minimum flows, levels, or closures; or (ii) making the water diversion or withdrawal subject to the applicable minimum flows or levels; or

(b) Where avoidance of impacts is not reasonably attainable, minimizing impacts by providing permanent new or existing trust water rights or through other types of replacement water supply resulting in no net annual increase in the quantity of water diverted or withdrawn from the stream or surface water body and no net detrimental impacts to fish and related aquatic resources; or

(c) Where avoidance and minimization are not reasonably attainable, compensating for impacts by providing net ecological benefits to fish and related aquatic resources in the water resource inventory area through in-kind or out-of-kind mitigation or a combination thereof, that improves the function and productivity of affected fish populations and related aquatic habitat. Out-of-kind mitigation may include instream or out-of-stream measures that improve or enhance existing water quality, riparian habitat, or other instream functions and values for which minimum instream flows or closures were established in that watershed.

(9) The department must monitor the implementation of the pilot projects, including all mitigation associated with each pilot project, approved under this section at least annually through December 31, 2028.

(10) The pilot projects eligible for processing under this section, based on criteria as of the effective date of this section, include:

(a) A city operating a group A water system in Kitsap county and water resource inventory area 15, with a population between 13,000 and 14,000;

(b) A city operating a group A water system in Pierce county and water resource inventory area 10, with a population between 9,500 and 10,500;

(c) A city operating a group A water system in Thurston county and water resource inventory area 11, with a population between 8,500 and 9,500;

(d) A nonprofit mutual water system operating a group A water system in Pierce county and water resource inventory area 12, with between 10,500 and 11,500 service connections; and

(e) An irrigation district located in Whatcom county and water resource inventory area 1, solely for the purpose of processing changes of water rights from surface water to groundwater, and implementing flow augmentation to benefit instream flows.

(11) Water right applicants eligible to be processed under this pilot project authority must elect to be included in the pilot project review by notifying the department by July 1, 2018. Once an applicant notifies the department of its intent to be processed under this pilot project authority, subsection (8) of this

section applies to final decisions issued by the department, even if such a final decision is issued after the expiration of this section.

(12) By November 15, 2018, the department must furnish the task force with information on conceptual mitigation plans for each water resource mitigation pilot project application.

(13) To ensure that the processing of pilot project applications can inform the task force process in a timely manner, the department must expedite processing of applications for water resource mitigation pilot projects. The applicant for each pilot project must reimburse the department for the department's costs of processing the applicant's application.

(14) The water resource mitigation pilot project authority granted to the department does not affect or modify any other procedural requirements of chapter 90.03, 90.44, or 90.54 RCW that apply to the processing of such applications.

(15) The joint legislative task force expires December 31, 2019.

(16) This section expires January 1, 2029.

Sec. 302. RCW 90.03.247 and 2003 c 39 s 48 are each amended to read as follows:

(1) Whenever an application for a permit to make beneficial use of public waters is approved relating to a stream or other water body for which minimum flows or levels have been adopted and are in effect at the time of approval, the permit shall be conditioned to: (a) Protect the levels or flows; or (b) require water resource mitigation of impacts to instream flows and closed surface water bodies for water resource mitigation pilot projects authorized under section 301 of this act.

(2) No agency may establish minimum flows and levels or similar water flow or level restrictions for any stream or lake of the state other than the department of ecology whose authority to establish is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and 90.54.040. The provisions of other statutes, including but not limited to ((~~RCW 77.55.100 and~~)) chapter 43.21C RCW, may not be interpreted in a manner that is inconsistent with this section. In establishing such minimum flows, levels, or similar restrictions, the department shall, during all stages of development by the department of ecology of minimum flow proposals, consult with, and carefully consider the recommendations of, the department of fish and wildlife, the department of ((~~community, trade, and economic development~~)) commerce, the department of agriculture, and representatives of the affected Indian tribes. Nothing herein shall preclude the department of fish and wildlife, the department of ((~~community, trade, and economic development~~)) commerce, or the department of agriculture from presenting its views on minimum flow needs at any public hearing or to any person or agency, and the department of fish and wildlife, the department of ((~~community, trade, and economic development~~)) commerce, and the department of agriculture are each empowered to participate in proceedings of the federal energy regulatory commission and other agencies to present its views on minimum flow needs.

Sec. 303. RCW 90.03.290 and 2001 c 239 s 1 are each amended to read as follows:

(1) When an application complying with the provisions of this chapter and with the rules of the department has been filed, the same shall be placed on record with the department, and it shall be its duty to investigate the application, and determine what water, if any, is available for appropriation, and find and determine to what beneficial use or uses it can be applied. If it is proposed to appropriate water for irrigation purposes, the department shall investigate, determine and find what lands are capable of irrigation by means of water found available for appropriation. If it is proposed to appropriate water for the purpose of power development, the department shall investigate, determine and find whether the proposed development is likely to prove detrimental to the public interest, having in mind the highest feasible use of the waters belonging to the public.

(2)(a) If the application does not contain, and the applicant does not promptly furnish sufficient information on which to base such findings, the department may issue a preliminary permit, for a period of not to exceed three years, requiring the applicant to make such surveys, investigations, studies, and progress reports, as in the opinion of the department may be necessary. If the applicant fails to comply with the conditions of the preliminary permit, it and the application or applications on which it is based shall be automatically canceled and the applicant so notified. If the holder of a preliminary permit shall, before its expiration, file with the department a verified report of expenditures made and work done under the preliminary permit, which, in the opinion of the department, establishes the good faith, intent, and ability of the applicant to carry on the proposed development, the preliminary permit may, with the approval of the governor, be extended, but not to exceed a maximum period of five years from the date of the issuance of the preliminary permit.

(b) For any application for which a preliminary permit was issued and for which the availability of water was directly affected by a moratorium on further diversions from the Columbia river during the years from 1990 to 1998, the preliminary permit is extended through June 30, 2002. If such an application and preliminary permit were canceled during the moratorium, the application and preliminary permit shall be reinstated until June 30, 2002, if the application and permit: (i) Are for providing regional water supplies in more than one urban growth area designated under chapter 36.70A RCW and in one or more areas near such urban growth areas, or the application and permit are modified for providing such supplies, and (ii) provide or are modified to provide such regional supplies through the use of existing intake or diversion structures. The authority to modify such a canceled application and permit to accomplish the objectives of (b)(i) and (ii) of this subsection is hereby granted.

(3) The department shall make and file as part of the record in the matter, written findings of fact concerning all things investigated, and if it shall find that there is water available for appropriation for a beneficial use, and the appropriation thereof as proposed in the application will not impair existing rights or be detrimental to the public welfare, it shall issue a permit stating the amount of water to which the applicant shall be entitled and the beneficial use or uses to which it may be applied: PROVIDED, That where the water applied for is to be used for irrigation purposes, it shall become appurtenant only to such land as may be reclaimed thereby to the full extent of the soil for agricultural purposes. But where there is no unappropriated water in the proposed source of

supply, or where the proposed use conflicts with existing rights, or threatens to prove detrimental to the public interest, having due regard to the highest feasible development of the use of the waters belonging to the public, it shall be duty of the department to reject such application and to refuse to issue the permit asked for.

(4) If the permit is refused because of conflict with existing rights and such applicant shall acquire same by purchase or condemnation under RCW 90.03.040, the department may thereupon grant such permit. Any application may be approved for a less amount of water than that applied for, if there exists substantial reason therefor, and in any event shall not be approved for more water than can be applied to beneficial use for the purposes named in the application. In determining whether or not a permit shall issue upon any application, it shall be the duty of the department to investigate all facts relevant and material to the application. After the department approves said application in whole or in part and before any permit shall be issued thereon to the applicant, such applicant shall pay the fee provided in RCW 90.03.470: PROVIDED FURTHER, That in the event a permit is issued by the department upon any application, it shall be its duty to notify the director of fish and wildlife of such issuance.

(5) The requirements of subsections (1) and (3) of this section do not apply to water resource mitigation pilot projects for which permits are issued in reliance upon water resource mitigation of impacts to instream flows and closed surface water bodies under section 301 of this act.

NEW SECTION. **Sec. 304.** The legislature intends to appropriate three hundred million dollars for projects to achieve the goals of this act until June 30, 2033. The department of ecology is directed to implement a program to restore and enhance stream flows by fulfilling obligations under this act to develop and implement plans to restore stream flows to levels necessary to support robust, healthy, and sustainable salmon populations.

NEW SECTION. **Sec. 305.** Sections 201 through 208 and 301 of this act constitute a new chapter in Title 90 RCW.

NEW SECTION. **Sec. 306.** 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. 307.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the Senate January 18, 2018.
Passed by the House January 18, 2018.
Approved by the Governor January 19, 2018.
Filed in Office of Secretary of State January 19, 2018.

CHAPTER 2

[Substitute Senate Bill 6090]
CAPITAL BUDGET

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 28B.10.027, 28B.20.725, and 28B.30.750; reenacting and

amending RCW 43.19.501; amending 2017 3rd sp.s. c 4 ss 1017, 1040, 1048, 2001, and 3120 (uncodified); creating new sections; repealing 2017 3rd sp.s. c 4 ss 3043, 3059, and 3134 (uncodified); making appropriations; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning July 1, 2017, and ending June 30, 2019, out of the several funds specified in this act. This authorization extends to reimbursement of any expenses incurred between July 1, 2017, and the effective date of this act that would have been authorized to occur or to be reimbursed under the terms of this act had it been in effect on July 1, 2017.

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

(a) "Fiscal year 2018" or "FY 2018" means the period beginning July 1, 2017, and ending June 30, 2018.

(b) "Fiscal year 2019" or "FY 2019" means the period beginning July 1, 2018, and ending June 30, 2019.

(c) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(d) "Provided solely" means the specified amount may be spent only for the specified purpose.

(3) Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(4) The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2019-2021 biennium and the following three biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

(5) "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2017, from previous biennial appropriations for each project.

PART 1
GENERAL GOVERNMENT

NEW SECTION. **Sec. 1001. FOR THE COURT OF APPEALS**

Division III Roof Replacement and Maintenance (30000003)

Appropriation:

State Building Construction Account—State $262,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs). $0
TOTAL $262,000

NEW SECTION. **Sec. 1002. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Capital Budget Staffing Study (92000004)

The appropriation in this section is subject to the following conditions and limitations: $50,000 of the appropriation in this section, or as much thereof as may be needed, is provided solely for a study of staff funded by capital budget appropriations. The study must address, at a minimum, the following:

(1) The number of full time equivalent state employees funded by:

(a) Direct capital budget appropriations for capital program administration;

(b) Funds used for administration of grants and loans;

(c) Grants and loans for capital projects; and

(d) Any other capital budget appropriation;

(2) The number of full time equivalent state employees funded through bonds; and

(3) The number of full time equivalent state employees funded through other sources.

Appropriation:

State Building Construction Account—State $50,000
Prior Biennia (Expenditures). $0
Future Biennia (Projected Costs). $0
TOTAL $50,000

NEW SECTION. **Sec. 1003. FOR THE SECRETARY OF STATE**

Library - Archives Building (30000033)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for design. The design of the facility must consider the state printer remaining at the current location, or the design of the facility at a new location.

(2) All capital budget expenses, less current and previous appropriations, must be financed with a certificate of participation or other financing method fully supported using fees collected by the secretary of state. The secretary of state may consider the adjustment of fees, including the heritage center account, to support construction, future operating costs, and projected efficiencies of electronic document storage in determining necessary space, must be developed for construction funding.

Appropriation:

State Building Construction Account—State $5,000,000
Prior Biennia (Expenditures). $300,000
Future Biennia (Projected Costs). $0
TOTAL $5,300,000

NEW SECTION. **Sec. 1004. FOR THE SECRETARY OF STATE**

Ballot Boxes (91000015)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants for distressed rural

counties that have difficulty implementing chapter 327, Laws of 2017 (Substitute Senate Bill No. 5472). Grants must be administered to counties at no more than $1,000 per location by the secretary of state.

Appropriation:
State Building Construction Account—State $100,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $100,000

NEW SECTION. **Sec. 1005. FOR THE DEPARTMENT OF COMMERCE**

Community Economic Revitalization Board (30000097)
Appropriation:
Public Facility Construction Loan Revolving Account—State $8,020,000
Prior Biennia (Expenditures) $5,000,000
Future Biennia (Projected Costs) $0
TOTAL $13,020,000

NEW SECTION. **Sec. 1006. FOR THE DEPARTMENT OF COMMERCE**

2017-19 Housing Trust Fund Program (30000872)

The appropriations in this section are subject to the following conditions and limitations:

(1) $58,000,000 of the state taxable building construction account—state appropriation, $43,400,000 of the state building construction account—state appropriation, and $5,370,000 of the Washington housing trust account—state appropriation are provided solely for affordable housing and preservation of affordable housing. Of the amounts in this subsection:

(a) $24,370,000 is provided solely for housing projects that provide supportive housing and case-management services to persons with chronic mental illness. The department must prioritize low-income supportive housing unit proposals that provide services or include a partner community behavioral health treatment provider;

(b) $10,000,000 is provided solely for housing preservation grants or loans to be awarded competitively. The grants may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require that a capital needs assessment is performed to estimate the cost of the preservation project at contract execution. Funds may not be used to add or expand the capacity of the property. To receive grants, housing projects must meet the following requirements:

(i) The property is more than fifteen years old;

(ii) At least 50 percent of the housing units are occupied by families and individuals at or below 30 percent area median income.

(iii) The improvements will result in reduction of operating or utilities costs, or both; and

(iv) Other criteria that the department considers necessary to achieve the purpose of this program.

(c) $5,000,000 is provided solely for housing projects that benefit people at or below 80 percent of the area median income who have been displaced by a natural disaster declared by the governor, including people who have been displaced within the last two biennia.

(d) $1,000,000 of the Washington housing trust account—state appropriation is provided solely for the department to work with the communities of concern commission to focus on creating capital assets that will help reduce poverty and build stronger and more sustainable communities using the communities' cultural understanding and vision. The funding must be used for predevelopment costs for capital projects identified by the commission and for other activities to assist communities in developing capacity to create community-owned capital assets.

(e) $1,000,000 of the Washington housing trust account—state appropriation is provided solely for a nonprofit, public development authority, local government, or housing authority to purchase the south annex properties located at 1531 Broadway, 1534 Broadway, and 909 Pine street owned by the state board of community and technical colleges. The property must be used to provide services and housing for homeless youth.

(f) $21,987,000 is provided solely for the following list of housing projects:

(i) Cross Laminated Timber Spokane Housing Predesign. $500,000

(ii) El Centro de la Raza $737,000

(iii) Highland Village Preservation $1,500,000

(iv) King County Modular Housing Project $3,000,000

(v) Nisqually Tribal Housing. $1,250,000

(vi) Othello Homesight Community Center $3,000,000

(vii) $6,000,000 is provided solely for grants for high quality low-income housing projects that will quickly move people from homelessness into secure housing, and are significantly less expensive to construct than traditional housing. It is the intent of the legislature that these grants serve projects with a total project development cost per housing unit of less than $125,000, excluding the value of land, and with a commitment by the applicant to maintain the housing units for at least a twenty-five year period. Amounts provided that are subject to this subsection must be used to plan, predesign, design, provide technical assistance and financial services, purchase land for, and build innovative low-income housing units. $3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing in Shelton and $3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing for veterans in Orting. Mental health and substance abuse counseling services must be offered to residents of housing projects supported by appropriations in this subsection.

(viii) $6,000,000 is provided solely for grants to the following organizations using innovative methods to address homelessness: $3,000,000 for THA Arlington drive youth campus in Tacoma and $3,000,000 for a King county housing project.

(g) Of the amounts appropriated remaining after (a) through (f) of this subsection, the department must allocate the funds as follows:

(i) 10 percent is provided solely for housing projects that benefit veterans;

(ii) 10 percent is provided solely for housing projects that benefit homeownership;

(iii) 5 percent is provided solely for housing projects that benefit people with developmental disabilities;

(iv) The remaining amount is provided solely for projects that serve low-income and special needs populations in need of housing, including, but not limited to, homeless families with children, homeless youth, farmworkers, and seniors.

(2) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(3) The department must strive to allocate all of the amounts appropriated in this section within the 2017-2019 fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

Appropriation:

State Building Construction Account—State $43,400,000
State Taxable Building Construction Account—State. $58,000,000
Washington Housing Trust Account—State $5,370,000
Subtotal Appropriation $106,770,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs). $400,000,000
TOTAL $506,770,000

NEW SECTION. **Sec. 1007. FOR THE DEPARTMENT OF COMMERCE**

Economic Opportunity Grants (30000873)

Appropriation:

Rural Washington Loan Account—State. $6,750,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs). $0
TOTAL $6,750,000

NEW SECTION. **Sec. 1008. FOR THE DEPARTMENT OF COMMERCE**

2017-19 Youth Recreational Facilities Grant Program (30000875)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.135.

(2) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation is provided solely for the following list of projects:

Cocoon House (Colby Avenue Youth Center). $438,000
Boys and Girls Club of Chehalis (Growing Places Farm

and Energy Park) $200,000
Boys & Girls Clubs of Snohomish County (Lake Stevens
Boys & Girls Club Teen Center Expansion) $120,000
Boys & Girls Clubs of Southwest Washington (Teen
Expansion at the Clinton & Gloria John Club). $328,000
Boys & Girls Clubs of Snohomish County (Arlington
Boys & Girls Club Expansion). $99,000
Boys & Girls Clubs of the Olympic Peninsula
(Port Angeles Boys & Girls Club) $1,000,000
Boys & Girls Clubs of South Puget Sound
(Eastside Branch) $1,200,000
YMCA of Greater Seattle (Kent YMCA Youth
Recreational Facilities Grant). $1,170,000
YMCA of Greater Seattle (Auburn Valley YMCA Youth
Recreational Facilities Grant). $763,000
YMCA of Greater Seattle (University YMCA Youth
Recreational Facilities Grant). $1,114,000
Friends of Lopez Island Pool (Lopez Island Pool) $175,000
Spokane Valley HUB (HUB Capital Campaign). $300,000
Appropriation:
State Building Construction Account—State $6,907,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs). $27,628,000
TOTAL $34,535,000

NEW SECTION. **Sec. 1009. FOR THE DEPARTMENT OF COMMERCE**

2017-19 Building for the Arts Grant Program (30000877)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.750.

(2) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation is provided solely for the following list of projects:

Town Hall Association (Campaign for Town Hall). $1,520,000
Pacific Northwest Ballet Association (Replacement
PNB School at the Francia Russell Center) $1,520,000
Seattle Art Museum (Asian Art Museum Renovation) $1,520,000
Chewelah PACA (Chewelah Center for the Arts) $97,000
Seattle Opera (Seattle Opera at the Center). $1,520,000
Tacoma Art Museum (Benaroya Building Project). $1,020,000
Fort Worden Foundation (Sage Arts and Education
Building). $1,270,000
Seattle Repertory Theatre (Renovating the PONCHO

Forum) $258,000
Richard Hugo House (Hugo House: Building an Enduring Home for Words) $1,032,000
Washington Center for the Performing Arts (Theater and Interior Revitalization). $689,000
Admiral Theatre Foundation (Admiral Theatre Renovation Part II) $150,000
Pratt Fine Arts Center (Pratt's Campus Expansion). $520,000
Northwest Choirs (Northwest Choirs - Building for Today and Tomorrow). $75,000
Power House Theatre Walla Walla Inc. (Power House Theatre Walla Walla Acquisition) $335,000
Delridge Neighborhoods Development Association (DNDA) (Youngstown Theater & Kitchen Renovation Project). $140,000
iDiOM Theater/Sylvia Center for the Arts (Sylvia Center for the Arts) $334,000
Appropriation:
State Building Construction Account—State $12,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs). $36,000,000
TOTAL $48,000,000

NEW SECTION. **Sec. 1010. FOR THE DEPARTMENT OF COMMERCE**

Public Works Assistance Account Construction Loans (30000878)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of public works projects:

180th St SE SR 527 Brook Blvd (Snohomish) $3,000,000
35th Ave SE Phase II SR 524 to 180th St SE (Snohomish) $3,000,000
61st/190th Culvert Replacement & Embankment Repair (Kenmore). $1,500,000
Automated Meter Reading System (Birch Bay) $1,500,000
Cedar Hills Regional Landfill North Flare Statn Repair (King) $1,583,000
Cedar Hills Regional Landfill Pump Station Repairs (King) $3,000,000
City Street Light Conversion to Light Emitting Diode (Vancouver) $4,816,000
Fairview Ave N Bridge Replacement (Seattle) $10,000,000
Georgetown Wet Weather Treatment Station (King). $3,500,000
Isaacs Avenue Improvements - Phase 2 (Walla Walla) $3,962,000
Kennewick Automated Meter Reading Project (Kennewick) $6,000,000
Landslide Repairs (Aberdeen) $373,000
McKinnon Creek Wellfield Infrastructure Improvements (Lake Forest) $200,000
Miller Street Re-Alignment and Storm Repairs

(Wenatchee) $4,826,000
NE 10th Avenue (Clark) $10,000,000
Ostrich Creek Culvert Improvements (Bremerton) $4,688,000
Pine Basin Watershed Storm Sewer Improvements
(Bremerton) $3,881,000
Slater Road/Jordan Creek Fish Passage Project
(Whatcom) $5,000,000
South Fork McCorkle Creek Stormwater Detention
Facility (Lexington) $4,700,000
Sudbury Landfill Area 7 Cell 3 Construction
(Walla Walla) $2,978,000
Sunset Reservoir Rehabilitation (Spokane) $1,412,000
Thurston Co. PUD No. 1 Replacement and Upgrades
(Thurston) $1,028,000
Tipping Floor Restoration & Safety Upgrades
(Lincoln) $156,000
US 395/Ridgeline Interchange (Kennewick) $6,000,000
Wastewater Reuse Project (Quincy) $10,000,000

Appropriation:
State Taxable Building Construction Account—State $97,103,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $97,103,000

NEW SECTION. **Sec. 1011. FOR THE DEPARTMENT OF COMMERCE**

Weatherization Plus Health Matchmaker Program (30000879)

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,000,000 is provided solely for lead remediation projects, and this is the maximum amount the department may expend for this purpose.

(2) $5,000,000 is provided solely for projects pursuant to chapter 285, Laws of 2017 (Engrossed Senate Bill No. 5647), and this is the maximum amount the department may expend for this purpose. The department may prioritize rehabilitation projects in coordination with weatherization projects.

(3) $5,000,000 is provided solely for grants for the Washington State University energy extension community energy efficiency program (CEEP) to support homeowners, tenants, and small business owners to make sound energy efficiency investments by providing consumer education and marketing, workforce support via training and lead generation, and direct consumer incentives for upgrades to existing homes and small commercial buildings, and this is the maximum amount the department may expend for this purpose.

Appropriation:
State Building Construction Account—State $16,000,000
State Taxable Building Construction Account—State $5,000,000
Subtotal Appropriation $21,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $80,000,000
TOTAL $101,000,000

Sec. 1012. 2017 3rd sp.s. c 4 s 1017 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Clean Energy and Energy Freedom Program (30000726)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are subject to the provisions of section 6003 of this act.

(2) $200,000 of the reappropriation is provided solely for credit enhancements of advanced solar and renewable energy manufacturing within Washington state.

(3) $13,600,000 of the reappropriation is provided solely to create a revolving loan fund to support the widespread use of proven energy efficiency and renewable energy, and transportation electrification technologies, including electric vehicle charging infrastructure and equipment for cars, trucks, and buses, upgrades to facilitate such as equipment and infrastructure, and acquisition of zero-emission buses and class 4-8 vehicles, including but not limited to trucks and passenger shuttles, now inhibited by lack of access to capital.

(4) $3,200,000 of the reappropriation is provided solely for the Pacific northwest national laboratory to use demand side management and analyze electricity use by the department of corrections. After the analysis is performed, any remaining funds may be used for reducing energy use of the department of corrections. The department must make energy records available.

Reappropriation:

State Building Construction Account—State	$21,061,000
State Taxable Building Construction Account—State	$10,415,000
Subtotal Reappropriation	$31,476,000
Prior Biennia (Expenditures)	$8,924,000
Future Biennia (Projected Costs)	$0
TOTAL	$40,400,000

NEW SECTION. **Sec. 1013. FOR THE DEPARTMENT OF COMMERCE**

Clean Energy Funds 3 (30000881)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state.

(2) In soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects, except as otherwise noted in this section; and

(b) Conduct due diligence activities associated with the use of public funds including, but not limited to, oversight of the project selection process, project

monitoring and ensuring that all applications and contracts fully comply with all applicable laws including disclosure and conflict of interest statutes.

(3)(a) Pursuant to chapter 42.52 RCW, the ethics in public service act, the department must require a project applicant to identify in application materials any state of Washington employees or former state employees employed by the firm or on the firm's governing board during the past twenty-four months. Application materials must identify the individual by name, the agency previously or currently employing the individual, job title or position held, and separation date. If it is determined by the department that a conflict of interest exists, the applicant may be disqualified from further consideration for award of funding.

(b) If the department finds, after due notice and examination, that there is a violation of chapter 42.52 RCW, or any similar statute involving a grantee who received funding under this section, either in procuring or performing under the grant, the department in its sole discretion may terminate the funding grant by written notice. If the grant is terminated, the department must reserve its right to pursue all available remedies under law to address the violation.

(4) The requirements in subsections (2) and (3) of this section must be specified in funding agreements issued by the department.

(5) $11,000,000 of the state building construction account, is provided solely for grid modernization grants for projects that advance clean and renewable energy technologies, and transmission and distribution control systems; that support integration of renewable energy sources, deployment of distributed energy resources, and sustainable microgrids; and that increase utility customer options for energy sources, energy efficiency, energy equipment, and utility services.

(a) Projects must be implemented by public and private electrical utilities that serve retail customers in the state. Eligible utilities may partner with other public and private sector research organizations and businesses in applying for funding.

(b) The department shall develop a grant application process to competitively select projects for grant awards, to include scoring conducted by a group of qualified experts with application of criteria specified by the department. In development of the application criteria, the department shall, to the extent possible, allow smaller utilities or consortia of small utilities to apply for funding.

(c) Applications for grants must disclose all sources of public funds invested in a project.

(6) $7,900,000 of the state building construction account and $3,100,000 of the energy efficiency account are provided solely for grants to demonstrate new approaches to electrification of transportation systems.

(a) Projects must be implemented by local governments, or by public and private electrical utilities that serve retail customers in the state. Eligible parties may partner with other public and private sector research organizations and businesses in applying for funding. The department of commerce must coordinate with other electrification programs, including projects the department of transportation is developing and projects funded by the Volkswagen consent decree, to determine the most effective distribution of the systems.

(b) Priorities must be given to eligible technologies that reduce the top two hundred hours of demand and the demand side.

(c) Eligible technologies for these projects include, but are not limited to:

(i) Electric vehicle and transportation system charging and open source control infrastructure, including inductive charging systems;

(ii) Electric vehicle sharing in low-income, multi-unit housing communities in urban areas;

(iii) Grid-related vehicle electrification, connecting vehicle fleets to grid operations, including school and transit buses;

(iv) Electric vehicle fleet management tools with open source software;

(v) Maritime electrification, such as electric ferries, water taxis, and shore power infrastructure.

(7)(a) $8,600,000 of the state building construction account is provided solely for strategic research and development for new and emerging clean energy technologies, as needed to match federal or other nonstate funds to research, develop, and demonstrate clean energy technologies.

(b) The department shall consult and coordinate with the University of Washington, Washington State University, the Pacific Northwest national laboratory and other clean energy organizations to design the grant program unless the organization prefers to compete for the grants. If the organization prefers to receive grants from the program they may not participate in the consultant process determining how the grant process is structured. The program shall offer matching funds for competitively selected clean energy projects, including but not limited to: Solar technologies, advanced bioenergy and biofuels, development of new earth abundant materials or lightweight materials, advanced energy storage, battery components recycling, and new renewable energy and energy efficiency technologies. Criteria for the grant program must include life cycle cost analysis for projects that are part of the competitive process.

(c) $750,000 of this subsection (7) is provided solely for the state efficiency and environmental program.

(8) $8,000,000 of the state taxable construction account is provided solely for scientific instruments to help accelerate research in advanced materials at the proposed science laboratories infrastructure facility at the Pacific Northwest national laboratory. These state funds are contingent on securing federal funds for the new facility, and are provided as match to the federal funding. The instruments will support researchers at the bioproducts sciences and engineering laboratory, the joint center for deployment research in earth abundant materials, the center for advanced materials and clean energy technology, and other energy and materials collaborations with the University of Washington and Washington State University.

(9) $1,600,000 of the state building construction account and $2,400,000 of the energy efficiency account are provided solely for grants to be awarded in competitive rounds for the deployment of solar projects located in Washington state.

(a) Priority must be given to distribution side projects that reduce peak electricity demand.

(b) Projects must be capable of generating at least five hundred kilowatts of direct current generating capacity.

(c) Grants shall not exceed $200,000 per megawatt of direct current generating capacity and total grant funds per project shall not exceed $1,000,000 per applicant. Applicants may not use other state grants.

(d) At least 25 percent of the total allocation of a project shall be provided solely for projects that provide direct benefits to low-income residents or communities. The department must attempt to prioritize an equal geographic distribution.

(e) Priority must be given to major components made in Washington.

(10) $2,400,000 of the state building construction account is provided solely for a project which, when fully deployed, will reduce emissions of greenhouse gases by a minimum of seven hundred fifty thousand tons per year, increase energy efficiency, and protect or create manufacturing jobs located in a county with a population of less than three hundred thousand.

(11) $1,100,000 of the state building construction account—state appropriation is provided solely for a grant to the public utility district no. 1 of Klickitat county for the remediation, survey, and evaluation of a closed-loop pump storage hydropower project at the John Day pool.

Appropriation:

State Building Construction Account—State	$32,600,000
State Taxable Building Construction Account—State	$8,000,000
Energy Efficiency Account—State	$5,500,000
Subtotal Appropriation	$46,100,000
Prior Biennia (Expenditures)	$0
Future Biennia (Projected Costs)	$200,000,000
TOTAL	$246,100,000

NEW SECTION. **Sec. 1014. FOR THE DEPARTMENT OF COMMERCE**

Energy Efficiency and Solar Grants (30000882)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) $3,675,000 for fiscal year 2018 and $3,675,000 for fiscal year 2019 is provided solely for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts, and state agencies for operational cost savings improvements to facilities and related projects that result in energy and operational cost savings.

(b) At least twenty percent of each competitive grant round must be awarded to small cities or towns with a population of five thousand or fewer residents.

(c) In each competitive round, the higher the leverage ratio of nonstate funding sources to state grant and the higher the energy savings, the higher the project ranking.

(d) For school district applicants, priority consideration must be given to school districts that demonstrate improved health and safety through: (i) Reduced exposure to polychlorinated biphenyl; or (ii) replacing outdated heating systems that use oil or propane as fuel sources as identified by the Washington State University extension energy program. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(2) $1,750,000 is provided solely for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts, and state agencies for projects that involve the purchase and installation of solar energy systems, including solar modules and inverters, with a preference for products manufactured in Washington.

(3) $1,400,000 is provided solely for energy efficiency improvements to minor works and stand-alone projects at state-owned facilities that repair or replace existing building systems including, but not limited to HVAC, lighting, insulation, windows, and other mechanical systems. Eligibility for this funding is dependent on an analysis using the office of financial management's life-cycle cost tool that compares project design alternatives for initial and long-term cost-effectiveness. Assuming a reasonable return on investment, the cost to improve the project's energy efficiency compared to the original project request will be added to the project appropriation after construction bids are received. The department of commerce shall coordinate with the office of financial management to develop a process for project submittal, review, approval criteria, tracking project budget adjustments, and performance measures.

(4) $500,000 is provided solely for resource conservation managers in the department of enterprise services to coordinate with state agencies and school districts to assess and adjust existing building systems and operations to optimize the efficiency in use of energy and other resources in state-owned facilities. The department of commerce will oversee an interagency agreement with the department of enterprise services to fund the resource conservation managers.

(5) The department shall develop metrics that indicate the performance of energy efficiency efforts and provide a report of the metrics, including at a minimum the current energy used by the building, the energy use after efficiencies are completed, and cost of energy saved. The report must include these metrics from other states.

Appropriation:

State Building Construction Account—State $5,500,000
Energy Efficiency Account—State $5,500,000
Subtotal Appropriation $11,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $60,000,000
TOTAL $71,000,000

NEW SECTION. **Sec. 1015. FOR THE DEPARTMENT OF COMMERCE**

2017-19 Building Communities Fund Grant (30000883)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.125.

(2) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation is provided solely for the following list of projects:
Boys & Girls Clubs of Snohomish County (Inchelium Boys & Girls Club Expansion) $27,000
Cocoon House (Colby Avenue Youth Center) $635,000
Mercy Housing Northwest (Historic Building 9 Center Building) $1,000,000
Skagit Valley Family YMCA (New Skagit Valley Family YMCA) $3,500,000
Edmonds Senior Center (Edmonds Waterfront Center) $2,250,000
Opportunity Council (East Whatcom Regional Resource Center Phase 2) $500,000
Filipino Community of Seattle (Filipino Community Innovation Learning Center) $600,000
Amara (Amara Building Renovation/Addition) $1,550,000
YMCA of Yakima (Yakima YMCA/Aquatic Center) $3,500,000
Northwest Indian College (Health and Wellness Center) $1,750,000
Lydia Place (Bell Tower Service Center) $96,000
Tacoma Community House (Tacoma Community House) $2,500,000
Peace Community Center (Peace Community Center Renovation and Expansion) $330,000
North Kitsap Fishline Food Bank (Transforming Lives in North Kitsap) $530,000
Martha & Mary Health Services (Martha & Mary Health and Rehab Campus Renovation) $1,000,000
Share (Share Day Center) $180,000
Country Doctor Community Clinic (Campaign for Country Doctor) $1,575,000
CDM Caregiving Services (Aging with Dignity) $395,000
Friends of Youth (Friends of Youth Snoqualmie Office) $300,000
Helping Hands Food Bank (Helping Hands Food Bank Building) $350,000
Catholic Community Services of King County (New Hope House) $190,000
Bridgeview Housing (Bridgeview Education & Employment Resource Center) $700,000
Aging in PACE Washington (Aging in PACE) $3,000,000
YMCA of Greater Seattle (Kent YMCA Building Communities Grant) $3,000,000
Brigid Collins House - (Brigid Collins Family Support Center) $42,000
Step By Step Family Support Center $1,400,000

Appropriation:
State Building Construction Account—State $30,900,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $72,000,000
TOTAL $102,900,000

NEW SECTION. **Sec. 1016. FOR THE DEPARTMENT OF COMMERCE**

2018 Local and Community Projects (40000005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Aberdeen Gateway Center (Aberdeen) $1,750,000
Adams County Industrial Wastewater and Treatment Center (Othello) $1,250,000
Adna Elementary Playshed (Chehalis) $104,000
Airway Heights Recreation Complex (Airway Heights). $515,000
Alder Creek Pioneer Museum Expansion (Bickelton) $500,000
Anderson Island Historical Society (Anderson Island) $26,000
Appleway Trail Amenities (Spokane Valley) $556,000
ARC Community Center Renovation (Bremerton) $81,000
Arlington Pocket Park Downtown Business District (Arlington) $46,000
Asia Pacific Cultural Center (Tacoma) $250,000
Belfair Sewer Extension to Puget Sound Industrial Ctr (Belfair) $515,000
Billy Frank Jr. Heritage Center (Olympia) $206,000
Bloodworks NW Bloodmobiles. $425,000

Bothell Parks Projects (Bothell) $309,000
Bridgeview Education and Employment Resource Center
(Vancouver) $500,000
Brier ADA Ramp Updates Phase (Brier). $115,000
Camp Schechter New Infrastructure and Dining Hall
(Tumwater) $200,000
Capitol Campus E. WA Butte (Olympia). $52,000
Captain Joseph House (Port Angeles) $225,000
Carnation Central Business District Revitalization
(Carnation) $1,545,000
Castle Rock Fair LED Lighting (Castle Rock) $10,000
Centennial Trail - Southern Extension #1 (Snohomish) $1,000,000
Centerville Grange Renovation (Centerville) $134,000
Centralia Fox Theatre Restoration (Centralia). $299,000
Chamber Economic Development Project (Federal Way). $250,000
Chelan County Emergency Operations Center (Wenatchee). . . . $1,000,000
Chelatchie Prairie Railroad Maintenance Bldg.
Phase 2 (Yacolt) $250,000
Cherry St. Fellowship (Seattle) $360,000
Children's Playgarden (Seattle) $315,000
Chimacum Ridge Forest Pilot (Port Townsend) $3,400,000
City of Brewster Manganese Abatement (Brewster). $752,000
Cityview Conversion to Residential Treatment
(Moses Lake) $250,000
Clark County Historical Museum (Vancouver). $300,000
Clymer Museum and Gallery Remodel (Ellensburg) $258,000
Coastal Harvest Roof Replacement (Hoquiam). $206,000
Cocoon House (Everett). $1,000,000
College Place Well Consolidation and Replacement
(College Place) $900,000
Columbia River Trail (Washougal) $1,000,000
Confluence Park Improvements (P2&3) (Issaquah) $206,000
Coordinated and Safe Service Center (Redmond). $309,000
Country Doctor Community Health Centers (Seattle). $280,000
Covington Town Center Civic Plaza Development
(Covington). $820,000
Cross Park (Puyallup) $1,500,000
Daffodil Heritage Float Barn (Puyallup) $103,000
Darrington Rodeo Grounds (Darrington) $250,000
Des Moines Marina Bulkhead & Fishing Pier Renovation
(Des Moines) $2,000,000
Disaster Response Communications Project (Colville). $1,000,000
District 5 Public Safety Center (Sultan) $1,500,000
Downtown Pocket Park at Rockwell (Port Orchard). $309,000
DuPont Historical Museum Renovation HVAC (DuPont) $53,000
East Grays Harbor Fiber Project (Elma) $463,000
East Hill YMCA/Park Renovation (Kent). $1,000,000
Eastside Community Center (Tacoma) $2,550,000
Ebey Waterfront Trail and Shoreline Access

(Marysville) $1,000,000
Emmanuel Life Center Kitchen (Spokane) $155,000
Ethiopian Community Affordable Senior Housing (Seattle). $400,000
Evergreen Pool Resurfacing (White Center) $247,000
Fall City Wastewater Infrastructure Planning & Design
(Fall City) $1,000,000
Family Medicine Remodel (Goldendale) $195,000
Federal Way Camera Replacement (Federal Way) $250,000
Federal Way Senior Center (Federal Way) $175,000
Flood Protection Wall & Storage Building (Sultan) $286,000
Food Lifeline Food Bank. $1,250,000
Forestry Museum Building (Tenino) $16,000
Fox Island Catastrophic Emergency Preparation
(Fox Island) $17,000
Francis Anderson Center Roofing Project (Edmonds) $391,000
Freeland Water and Sewer District Sewer Project
(Freeland) $1,500,000
FUSION Transitional Hse Pgm/FUSION Decor Boutique
(Federal Way) $500,000
Gig Harbor Sports Complex (Gig Harbor) $206,000
Granger Historical Society Museum Acquisition
(Granger) $255,000
Greater Maple Valley Veterans Memorial Foundation
(Maple Valley) $258,000
GreenBridge/4th Ave Streetscaping (White Center) $1,195,000
Harmony Sports Complex Infrastructure & Safety Imprve
(Vancouver) $1,177,000
Harrington School District #204, Pool Renovation
(Harrington) $97,000
Historic Mukai Farm and Garden Restoration (Vashon) $250,000
Holly Ridge Center Building (Bremerton) $475,000
Honor Point Military and Aerospace Museum (Spokane) $100,000
HopeWorks TOD Center (Everett) $2,760,000
Hoquiam Library (Hoquiam). $250,000
HUB Sports Center (Liberty Lake) $516,000
Industrial Park No. 5 Road Improvements (George). $412,000
Industrial Park No. 5 Water System Improvements
(George) $700,000
Inland Northwest Rail Museum (Reardan) $170,000
Innovative Health Care Learning Center (Yakima). $1,000,000
Interbay PDAC (Seattle) $900,000
Intrepid Spirit Center (Tacoma). $1,000,000
Islandwood Comm Dining Hall and Kitchen
(Bainbridge Island). $200,000
Japanese Gulch Creek Restoration Project (Mukilteo) $721,000
Kenmore Public Boathouse (Kenmore). $250,000
Key Peninsula Civic Center Generator (Vaughn) $60,000
Key Peninsula Elder Community (Lakebay). $515,000
Kitchen Upgrade Belfair Senior Center Meals on Wheels

(Belfair) $12,000
Kitsap Reg. Library Foundation, Silverdale Library
(Silverdale) $250,000
Kona Kai Coffee Training Center (Tukwila) $407,000
La Conner New Regional Library (La Conner) $500,000
Lacey Boys and Girls Club (Lacey) $30,000
Lake Chelan Community Hospital & Clinic Replacement
(Chelan) $300,000
Lake City Comm Center, Renovate Magnuson Comm Center
(Seattle) $2,000,000
Lake Stevens Civic Center (Lake Stevens) $3,100,000
Lake Stevens Food Bank (Lake Stevens) $300,000
Lake Sylvia State Park Legacy Pavilion (Montesano) $696,000
Lake Tye All-Weather Fields (Monroe) $800,000
Lakewood Playhouse Lighting System Upgrade (Lakewood) $60,000
Lambert House Purchase (Seattle) $500,000
Larson Playfield Lighting Renovation (Moses Lake) $146,000
Lewis Co Fire Dist #1 Emergency Svcs Bldg & Resrce Ctr
(Onalaska) $80,000
LIGO STEM Exploration Center (Richland) $411,000
Longbranch Marina (Longbranch) $248,000
Longview Police Department Range and Training
(Castle Rock) $271,000
Lyon Creek, SR 104 Fish Barrier Removal
(Lake Forest Park) $1,200,000
Maury Island Open Space Remediation (Maury Island) $2,000,000
McChord Airfield North Clear Zone (Lakewood) $2,000,000
Mill Creek Flood Control Project (Kent) $2,000,000
Millionair Club Charity Kitchen (Seattle) $167,000
Moorlands Park Improvements (Kenmore) $250,000
Morrow Manor (Poulsbo) $773,000
Mount Baker Properties Cleanup Site (Seattle) $1,100,000
Mount Rainier Early Warning System (Pierce County) $1,751,000
Mukilteo Tank Farm Remediation (Mukilteo) $257,000
Multicultural Community Center (Seattle) $1,300,000
NE Snohomish County Community Services Campus
(Granite Falls) $375,000
NeighborCare Health (Vashon) $3,000,000
New Fire Station at Lake Lawrence (Yelm) $252,000
North Cove Erosion Control (South Bend) $650,000
Northshore Athletic Fields (Woodinville) $400,000
Northwest Improvement Company Building (Roslyn) $1,000,000
Olmstead-Smith Historical Gardens Replacement Well
(Ellensburg) $17,000
Orting's Pedestrian Evacuation Crossing SR162 (Orting) $500,000
Othello Regional Water Project (Othello) $1,000,000
Paradise Point Water Supply System Phase IV
(Ridgefield) $500,000
Pepin Creek Realignment (Lynden) $3,035,000

Performing Arts & Events Center (Federal Way) $1,000,000
Pioneer Village ADA Accessible Pathways (Ferndale). $154,000
Ponders Wells Treatment Replacement (Lakewood). $500,000
Port Ilwaco/Port Chinook Marina Mtce Drdg & Matl Disps (Chinook) $77,000
Port Orchard Marina Breakwater Refurbishment (Port Orchard). $1,019,000
Poulsbo Outdoor Salmon Observation Area (Poulsbo). $475,000
Puyallup Meeker Mansion Public Plaza (Puyallup) $500,000
Quincy Square on 4th (Bremerton) $250,000
R.A. Long Park (Longview) $296,000
Redondo Beach Rocky Reef (Des Moines). $500,000
Ridgefield Outdoor Recreation Complex (Ridgefield) $750,000
Rochester Boys & Girls Club upgrades (Rochester). $26,000
Save the Old Tower (Pasco) $300,000
Schilling Road Fire Station (Lyle). $448,000
Scott Hill Park (Woodland) $750,000
Seattle Aquarium (Seattle). $400,000
Seattle Indian Health Board (Seattle) $200,000
Seattle Opera (Seattle). $465,000
Shelton Basin 3 Sewer Rehabilitation Project (Shelton). $1,500,000
Skagit Co Public Safety Emgcy Commun Ctr Exp/Remodel (Mt. Vernon) $525,000
Skagit County Veterans Community Park (Sedro-Woolley) $500,000
Skagit Valley YMCA (Mt. Vernon). $400,000
Snohomish JROTC Program (Snohomish) $189,000
South Gorge Trail (Spokane). $250,000
South Snohomish County Community Resource Center (Lynnwood) $2,210,000
South Thurston County Meals on Wheels Kitchen Upgrade (Yelm) $30,000
Southwest WA Agricultural Business Park (Tenino). $618,000
Southwest Washington Fair Grange Building Re-Roof (Chehalis) $54,000
Spanaway Lake Management Plan (Spanaway) $26,000
Squalicum Waterway Maintenance Dredging (Bellingham). $750,000
Steilacoom Historical Museum Storage Building (Steilacoom) $31,000
Sunnyside Community Hospital (Sunnyside) $2,000,000
Sunset Career Center (Renton) $412,000
Sunset Neighborhood Park (Renton). $3,050,000
Tacoma's Historic Theater District (Tacoma) $1,000,000
Tam O'Shanter Athletic Arena (Kelso) $1,000,000
Toledo Beautification (Toledo) $52,000
Trout Lake School/Community Soccer & Track Facility (Trout Lake) $77,000
Tumwater Boys and Girls Club (Olympia) $36,000
Turning Pointe Domestic Violence Svc: Shelter Imprv/Rep (Shelton) $27,000

Twisp Civic Building (Twisp) $750,000
University YMCA (Seattle) $600,000
Veterans Memorial Museum (Chehalis) $354,000
Washington Agricultural Education Center (Lynden) $1,500,000
Washington Care Services (Seattle) $400,000
Washington State Horse Park Covered Arena (Cle Elum) $2,000,000
Waste Treatment and Sewer Collection System (Toppenish) $1,405,000
Wastewater Collection & Water Distribution Replacemnt (Carbonado) $1,500,000
Water Treatment for Kidney Dialysis $499,000
Wayne Golf Course Region Park (Bothell) $1,000,000
Wesley Homes Bradley Park (Puyallup) $1,380,000
Westport Marina (Westport) $2,500,000
Weyerhaeuser Land Preservation (Federal Way) $250,000
Whidbey Island Youth Project (Oak Harbor) $300,000
White Pass Country Historical Museum (Packwood) $283,000
Whitehouse Additional Capital Campaign (Pasco) $1,500,000
Willows Road Regional Trail Connection (Kirkland) $1,442,000
Winlock HS Track (Winlock) $103,000
Winlock Industrial Infrastructure Development (Winlock) $1,500,000
Wishram School CTE Facility (Wishram) $150,000
Yakima Valley SunDome Repairs (Yakima) $206,000
Yelm City Park Playground Modernization (Yelm) $247,000
Youth Eastside Services (Bellevue) $26,000
YWCA Family Justice Center (Spokane) $103,000

(8) $26,000 of the appropriation in this section is provided solely for implementation of the Spanaway lake management plan, contingent on commitment of local funding to support the on-going operational costs of the project, including but not limited to the creation of a lake management district.

(9) $250,000 of the appropriation in this section is provided solely for the planning, development, acquisition, and other activities pursing open space conservation strategies for the historic Federal Way Weyerhaeuser campus. The grant recipient must be a regional nonprofit nature conservancy that works to conserve keystone properties selected by the city of Federal Way.

(10)(a) $900,000 of the appropriation in this section is provided solely for an Interbay public development advisory committee. It is the intent of the legislature to examine current and future needs of a state entity that performs an essential public function on state-owned property located in one of the state's designated manufacturing industrial centers. The legislature further intends to explore the potential future uses of this state-owned property in the event that the state entity determines that it must relocate in order to protect its ability to perform its essential public function.

(b) The Interbay public development advisory committee is created to make recommendations regarding the highest public benefit and future economic development uses for the Washington army national guard armory facility in the city of Seattle, pier 91 property, located at the descriptions referred to in the quit

claim deeds for two parcels of land, 24.75 acres total, dated January 8, 1971, and December 22, 2009.

(c) The Interbay advisory committee consists of seven persons appointed as follows:

(i) One person appointed by the speaker of the house of representatives;

(ii) One person appointed by the president of the senate; and

(iii) Five persons appointed by the governor, who must collectively have experience in forming public-private partnerships to develop workforce housing or affordable housing; knowledge of project financing options for public-private partnerships related to housing; architectural design and development experience related to industrial lands and mixed-use zoning to include housing; and experience leading public processes to engage communities and other stakeholders in public discussions regarding economic development decisions.

(d) The Interbay public development advisory committee must:

(i) Work in collaboration with the military department to determine the needs of the military department if it is relocated from the land described in subsection (1) of this section, including identifying:

(A) Current uses;

(B) Future needs of the units currently at this location;

(C) Potential suitable publicly owned sites in Washington for relocation of current units; and

(D) The costs associated with acquisition, construction, and relocation to another site or sites for these units;

(ii) Explore the future economic development opportunities if the land described in subsection (1) of this section is vacated by the military department, and make recommendations, including identifying:

(A) Suitable and unsuitable future uses for the land;

(B) Environmental issues and associated costs;

(C) Current public infrastructure availability, future public infrastructure plans by local or regional entities, and potential public infrastructure needs;

(D) Transportation corridors in the immediate area and any potential right-of-way needs; and

(E) Existing zoning regulations for the land and potential future zoning needs to evaluate workforce housing, affordable housing, and other commercial and industrial development compatible with the Ballard-Interbay manufacturing industrial center designation;

(iii) Explore the potential funding sources and partners as well as any needed transactions, and make recommendations, including:

(A) Any potential private partners or investors;

(B) Necessary real estate transactions;

(C) Federal funding opportunities; and

(D) State and local funding sources, including any tax-related programs;

(iv) Conduct at least three public meetings at a location within the Ballard-Interbay manufacturing industrial center, where a quorum of the Interbay public development advisory committee members are present, at which members of the public are invited to present to the Interbay advisory committee regarding the future uses of the site and potential issues such as industrial land use, commercial development, residential zoning, and public infrastructure needs; and

(v) Provide a report to the legislature and office of the governor with recommendations for each area described in this subsection (10)(d) by June 29, 2019. The Interbay advisory committee's recommendations must include recommendations regarding the structure, composition, and scope of authority of any subsequent state public development authority that may be established to implement the recommendations of the Interbay advisory committee created in this section.

(e) The Interbay advisory committee created in this section terminates June 30, 2019.

(f) Nothing in this section authorizes the solicitation of interest or bids for work related to the purposes of this section.

(g) The department of commerce shall provide staff support to the Interbay advisory committee. The department may contract with outside consultants to provide any needed expertise.

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

(11) $2,000,000 of the appropriation in this section is provided solely to the city of Lakewood for the purchase of property within the federally designated north clear zone at joint base Lewis-McChord. Once acquired, the property must be zoned for use compatible with the mission and activity of McChord airfield. The city may lease or resell the acquired property for fair market value, but any such lease or sale must include restrictions or covenants ensuring that the use of the property is safely compatible with the mission and activity of McChord airfield. If the city subsequently resells, rezones, develops, or leases the property for commercial or industrial uses contrary to the allowed uses in the north clear zone, the city must repay to the state the amount spent on the purchase of the property in its entirety within ten years.

(12) $250,000 of the appropriation in this section is provided solely for a grant to the Federal Way chamber of commerce for two economic development projects focused in the south Puget Sound area. The amounts in this section must be used for a business retention and expansion program to conduct economic research in collaboration with stakeholders, develop data-driven economic strategies, and produce a written evaluation; and a tourism enhancement program to develop and inventory the Federal Way area tourism sector, analyze data regarding visitation, and produce a written evaluation.

(13) $400,000 of the appropriation in this section is provided solely for the Northshore athletic field which shall be named "Andy Hill Sports Complex."

(14) $1,177,000 of the appropriation in this section is provided solely for the Harmony sports complex infrastructure and safety improvements in Vancouver and is contingent upon the facility being open to the public.

(15) $250,000 of the appropriation in this section is provided solely for the Asia Pacific cultural center in Tacoma. These state funds are contingent on securing at least $1,000,000 in private funds.

Appropriation:

State Building Construction Account—State $130,529,000

Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $130,529,000

NEW SECTION. **Sec. 1017. FOR THE DEPARTMENT OF COMMERCE**

Early Learning Facility Grants (40000006)

The appropriations in this section are subject to the following conditions and limitations:

(1) $3,504,000 of the early learning facilities development account—state appropriation is provided solely for the following list of early learning facility projects in the following amounts:

Pasco Early Learning Center $1,030,000
Discover! Children's Museum $1,030,000
West Hills Early Learning Center $464,000
Franklin Pierce Early Learning Center $980,000

(2) $11,996,000 of the early learning facilities revolving account—state appropriation in this section is provided solely for early learning facility grants and loans specified in sections 3 through 11, chapter 12, Laws of 2017, 3rd sp. sess. to provide state assistance for designing, constructing, purchasing, or modernizing public or private early learning education facilities for eligible organizations.

(3) If the bill referenced in subsection (2) of this section is not enacted by July 31, 2017, the amount provided in subsection (2) of this section shall lapse.

Appropriation:

Early Learning Facilities Development
Account—State $3,504,000
Early Learning Facilities Revolving
Account—State $11,996,000
Subtotal Appropriation $15,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $52,000,000
TOTAL $67,500,000

NEW SECTION. **Sec. 1018. FOR THE DEPARTMENT OF COMMERCE**

Dental Clinic Capacity Grants (40000007)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) Funding provided in this section may be used for the construction and equipment directly associated with dental facilities. The funding provided in this section is for projects that are maintained for at least a ten-year period and provide capacity to address unmet patient need and increase efficiency in dental access.

(b) $12,286,000 of the amount provided in this section is provided solely for the following list of projects and is subject to the criteria in (a) of this subsection:

Community Health Association of Spokane
(Spokane Valley) $581,000
Community Health Association of Spokane

(Clarkston) $391,000
Community Health of Central Washington
(Ellensburg) $1,800,000
Columbia Valley Community Health (Chelan) $753,000
East Central Community Center (Spokane). $500,000
HealthPoint (Federal Way) $900,000
International Community Health Services (Shoreline) $605,000
Jefferson Healthcare Dental Clinic (Port Townsend) $1,000,000
Neighborcare (Seattle). $1,388,000
North East Washington Health Programs (Springdale). $465,000
North Olympia Healthcare Network (Port Angeles) $610,000
Peninsula Community Health Services (Poulsbo). $395,000
Sea Mar (Seattle) $183,000
Sea Mar (Oak Harbor) $149,000
Sea Mar (Tacoma) $149,000
Sea Mar (Vancouver). $167,000
Seattle Indian Health Board (Seattle) $250,000
Valley View Health Center (Chehalis). $1,000,000
Yakima Valley Farm Workers Clinic (Kennewick) $1,000,000

(c) $2,800,000 is provided solely for the following list of projects to increase the capacity of dental residencies:

Spokane Dental Residency (Spokane). $2,000,000
St. Peter Dental Residency (Olympia). $800,000

(d) In order to assess the impact these projects may have on the omnibus operating appropriations act, the department must, in consultation with the medical assistance forecast work group, assess each federally qualified health center project to determine the impact the project may have on state expenditures from the expansion of dental clinic capacity, including the additional impact of change of scope of service for the receiving clinics. Each project must be assessed no later than December 1, 2018. The department must report to the office of financial management and the appropriate fiscal committees of the legislature on the results of the assessments by January 1, 2019.

Appropriation:

State Building Construction Account—State $15,086,000
Prior Biennia (Expenditures). $0
Future Biennia (Projected Costs). $0
TOTAL $15,086,000

NEW SECTION. **Sec. 1019. FOR THE DEPARTMENT OF COMMERCE**

PWAA Preconstruction and Emergency Loan Programs (40000009)

The appropriation in this section is subject to the following conditions and limitations:

(1) $5,000,000 is provided solely for the public works board's emergency loan program.

(2) $14,000,000 is provided solely for the public works board's preconstruction loan program.

Appropriation:

State Taxable Building Construction Account—State. $19,000,000
Prior Biennia (Expenditures). $0
Future Biennia (Projected Costs). $0
TOTAL $19,000,000

NEW SECTION. **Sec. 1020. FOR THE DEPARTMENT OF COMMERCE**

Behavioral Health Community Capacity (40000018)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of commerce, in collaboration with the department of social and health services, to issue grants to community hospitals or other community entities to expand and establish new capacity for behavioral health services in communities. Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services. The department shall establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more behavioral health organizations, as defined in RCW 71.24.025;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(d) A commitment by the applicant to maintain the beds or facility for at least a ten-year period;

(e) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(f) A detailed estimate of the costs associated with opening the beds; and

(g) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(2) In awarding funding for projects in subsection (3), the department, in consultation with the department of social and health services and behavioral health organizations, must strive for geographic distribution and allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(3) $36,600,000 is provided solely for a competitive process for each category listed and is subject to the criteria in subsections (1) and (2) of this section:

(a) $4,600,000 is provided solely for at least two enhanced service facilities for long-term placement of geriatric or traumatic brain injury patients and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(b) $2,000,000 is provided solely for at least one facility with secure detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) $2,000,000 is provided solely for at least one facility with acute detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) $11,400,000 is provided solely for crisis diversion or stabilization facilities that are not subject to federal funding restrictions that apply to institutions of mental diseases. At least two of the facilities must be located in King county and one must be located in Pierce county;

(e) $10,000,000 is provided solely for the department to provide grants to community hospitals or freestanding evaluation and treatment providers to develop capacity for beds to serve individuals on ninety or one hundred eighty day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services and the department of health and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the department of social and health services;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(v) The department of social and health services has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes; and

(f) $6,600,000 is provided solely for the department to provide grants to community providers to develop psychiatric residential treatment beds to serve individuals being diverted or transitioned from the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the department of health, and the local behavioral health organization jurisdiction for which a proposal has been submitted and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the behavioral health organization in the region;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(v) The behavioral health organization has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes.

(4) $26,000,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

North Sound Behavioral Health Organization Denny Youth Center $5,000,000
North Sound Behavioral Health Organization Substance Use Disorder Intensive Treatment $5,000,000
Bellingham Mental Health Triage $5,000,000
Bellingham Acute Detox $2,000,000
SWWA Diversion Crisis and Involuntary Treatment $3,000,000
Daybreak Center for Adolescent Recovery $3,000,000
Nexus Youth and Families $500,000
Valley City Recovery Place $2,000,000
Geriatric Diversion $500,000

(5) $3,000,000 is provided solely for a grant to a joint venture between MultiCare-Franciscan to provide community based behavioral health services. Funding provided in this subsection is subject to the criteria in subsection (1) of this section. The department of commerce may not release funding for this project unless MultiCare-Franciscan enters into a memorandum of understanding with the department of social and health services by October 31, 2018, to collaborate on development and implementation of strategies to expand the behavioral health workforce in the region. At a minimum, the agreement must include strategies for increasing recruitment of health professionals required to staff psychiatric inpatient facilities, including psychiatrists, psychologists, nurses and other health care professionals. The agreement must also identify opportunities for coordination between the parties to expand access to clinical skill development and training opportunities in the region and strategies for collaborative service delivery between the parties when possible. To objectively evaluate the efficacy of the strategies implemented to achieve the desired outcomes of the agreement, performance measures and targets must be established to include:

(a) MultiCare-Franciscan and the department of social and health services must work collaboratively to decrease vacancy rates for hard-to-recruit health care professionals employed by each facility. The parties must develop strategies to attract more qualified health care professionals to the area and ensure comparable exposure to the benefits of working for each organization. The parties must measure the success of these strategies by the decrease in vacancy rate for health care professionals necessary to provide safe, quality inpatient psychiatric care in MultiCare-Franciscan and department facilities following the first year as the baseline of the partnership/consortium and with updated goals for each subsequent year. MultiCare-Franciscan and the department of social and health services must work to increase the competency and skills of health care professionals across both facilities by establishing organized joint- and cross-training programs. The parties must measure the success of this strategy by the number of health care professionals in total and by discipline complete cross-training activities and by the number and hours of cross-training opportunities offered under the agreement.

(6) The department of commerce shall notify all applicants that they may be required to have a construction review performed by the department of health.

(7) To accommodate the emergent need for behavioral health services, the department of health and the department of commerce, in collaboration with the health care authority and the department of social and health services, shall establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, detox, or secure detox.

Appropriation:

State Building Construction Account—State $65,600,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $65,600,000

NEW SECTION. **Sec. 1021. FOR THE DEPARTMENT OF COMMERCE**

CERB Administered Broadband Infrastructure (91000943)

The appropriation in this section is subject to the following conditions and limitations: During the 2017-2019 fiscal biennium, the community economic revitalization board may make grants and loans to local governments and federally recognized tribes to build infrastructure to provide high-speed, open-access broadband service, with a minimum of 25 megabits per second download speed, to rural and underserved communities, for the purpose of economic development.

(1) "Local governments" means cities, towns, counties, municipal corporations, public port districts, quasi-municipal corporations, and special purpose districts.

(2) "Broadband" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed Internet access and other advanced telecommunications services.

(3) The board is authorized to make rural broadband loans to local governments and to federally recognized Indian tribes for the purposes of financing the cost to build infrastructure to provide high-speed, open-access broadband service, to rural and underserved communities, for the purpose of economic development. Grants may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the local government or the federally recognized Indian tribe, and subject to a finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, no more than 25 percent of all financial assistance approved by the board in any biennium may consist of grants to local governments and federally recognized Indian tribes.

(4) Application for funding must be made in the form and manner as the board may prescribe. In making grants or loans the board must conform to the following requirements:

(a) The board may not provide financial assistance:

(i) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(ii) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(iii) For a project the primary purpose of which is to facilitate or promote gambling.

(iv) For a project located outside the jurisdiction of the applicant local government or federally recognized Indian tribe.

(v) For equipment or facilities which would enable a public entity to provide retail telecommunications services or services that the entity is not authorized by statute to provide.

(vi) For the deployment of publicly-owned telecommunication network infrastructure ("backbone") solely for the sake of creating competitive, publicly-owned telecommunication network infrastructure.

(b) The board may provide financial assistance only:

(i) For projects demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:

(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;

(B) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities; and

(C) Is located in a rural community as defined by the board, or a rural county; or

(ii) For a project that does not meet the requirements of (b)(i) of this subsection but is a project that:

(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;

(B) Is part of a local economic development plan consistent with applicable state planning requirements;

(C) Can demonstrate project feasibility using standard economic principles; and

(D) Is located in a rural community as defined by the board, or a rural county;

(c) The board must develop guidelines for local participation and allowable match and activities.

(d) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.

(e) An application must be approved by the local government and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.

(f) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.

(g) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage.

(h) The board must prioritize each proposed project according to:

(i) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is

completed, but also giving consideration to the unemployment rate in the area in which the jobs would be located;

(ii) The rate of return of the state's investment, including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project;

(iii) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;

(iv) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements;

(v) Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance; and

(vi) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.

(i) A responsible official of the local government or the federally recognized Indian tribe must be present during board deliberations and provide information that the board requests.

(5) Before any financial assistance application is approved, the local government or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Appropriation:

State Building Construction Account—State $5,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $5,000,000

NEW SECTION. **Sec. 1022. FOR THE DEPARTMENT OF COMMERCE**

Seismic Inventory: Unreinforced Masonry Buildings (91000959)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department to contract for a seismic study regarding suspected unreinforced masonry buildings in Washington state. The study must include a list and map of suspected unreinforced masonry buildings, excluding single-family housing, and be produced by utilizing existing survey and data sources to the greatest extent possible. The study may incorporate random sampling, site visits, and other means to inform the study. The study must be provided to the office of financial management and fiscal committees of the legislature by September 1, 2018.

Appropriation:

State Building Construction Account—State $200,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0

TOTAL $200,000

NEW SECTION. **Sec. 1023. FOR THE DEPARTMENT OF COMMERCE**

2017-19 Stormwater Pilot Project (91001099)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department of commerce to establish a community-based public-private partnership stormwater pilot program using the United States environmental protection agency guidelines for local governments. The department must establish goals and geographical areas and identify ongoing revenue structures, as well as develop a request for qualifications with the department of ecology using the environmental protection agency guidelines to support future stormwater public-private partnerships. The department must report to the office of financial management and fiscal committees of the legislature by September 1, 2018, regarding the establishment of the pilot project and any barriers in implementing projects using this model.

Appropriation:
State Building Construction Account—State $250,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $250,000

Sec. 1024. 2017 3rd sp.s. c 4 s 1040 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Projects for Jobs & Economic Development (92000151)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are subject to the provisions of section 1077, chapter 19, Laws of 2013 2nd sp. sess.

(2) $1,500,000 of the reappropriation is provided solely for the basin 3 sewer rehabilitation project rather than the city of Shelton wastewater project.

Reappropriation:
Public Facility Construction Loan Revolving Account—State $5,368,000
State Building Construction Account—State $3,000,000
Subtotal Reappropriation $8,368,000
Prior Biennia (Expenditures) $28,741,000
Future Biennia (Projected Costs) $0
TOTAL $37,109,000

NEW SECTION. **Sec. 1025. FOR THE DEPARTMENT OF COMMERCE**

Seattle Vocational Institute Adaptive Reuse Study (91001154)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department to contract for an adaptive reuse study for the Seattle vocational institute building and property located at 2120 south Jackson street. The study must quantify the costs of repair

and improvements for the various potential uses and analyze financing under different ownership scenarios. The evaluation must be provided to the office of financial management and fiscal committees of the legislature by September 1, 2018.

Appropriation:
State Building Construction Account—State $150,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $150,000

NEW SECTION. **Sec. 1026. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Oversight of State Facilities (30000039)

Appropriation:
State Building Construction Account—State $1,229,000
Thurston County Capital Facilities Account—State $1,229,000
Subtotal Appropriation $2,458,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,458,000

NEW SECTION. **Sec. 1027. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

OFM Capital Budget Staff (30000040)

Appropriation:
State Building Construction Account—State $611,000
Thurston County Capital Facilities Account—State $611,000
Subtotal Appropriation $1,222,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,222,000

NEW SECTION. **Sec. 1028. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Emergency Repairs (30000041)

The appropriation in this section is subject to the following conditions and limitations: Emergency repair funding is provided solely to address unexpected building or grounds failures that will impact public health and safety and the day-to-day operations of the facility. To be eligible for funds from the emergency repair pool, an emergency declaration signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The emergency declaration must include a description of the health and safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of other funding that may be applied to the project. For emergencies occurring during a legislative session, an agency must notify the legislative fiscal committees before requesting emergency funds from the office of financial management. The office of financial management must notify the legislative evaluation and accountability program committee, the house capital budget

committee, and senate ways and means committee as emergency projects are approved for funding.

Appropriation:
State Building Construction Account—State $5,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $20,000,000
TOTAL $25,000,000

Sec. 1029. 2017 3rd sp.s. c 4 s 1048 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Construction Contingency Pool (90000300)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 1077, chapter 3, Laws of 2015 3rd sp. sess.

(2) The Carver academic renovation project, funded in section 5048, chapter 3, Laws of 2015 3rd sp. sess., is an eligible construction project pursuant to subsection (1) of this section.

Reappropriation:
State Building Construction Account—State $1,853,000
Prior Biennia (Expenditures) $6,147,000
Future Biennia (Projected Costs) $0
TOTAL $8,000,000

NEW SECTION. **Sec. 1030. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Contingency Pool (91000436)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for state parks projects that are reduced. The state parks and recreation commission must provide sufficient evidence that a project cannot move forward without additional funding.

Appropriation:
State Building Construction Account—State $5,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $5,000,000

NEW SECTION. **Sec. 1031. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Evaluation of Law Enforcement Training by Community Colleges (92000022)

The appropriation in this section is subject to the following conditions and limitations: $300,000 of the appropriation in this section is provided solely for the office of financial management to contract with an external consultant to develop a plan that provides required basic law enforcement training through student paid programs with training provided by community and technical

colleges. The consultant must review the costs, benefits, and risks to the state of Washington and review models from other states. The consultant must provide a report with an implementation plan and recommendations to the governor and the appropriate committees of the legislature by December 10, 2018.

Appropriation:
State Building Construction Account—State $300,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $300,000

NEW SECTION. **Sec. 1032. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Behavioral Health Statewide Plan (91000434)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management, in collaboration with the department of commerce, the health care authority, the department of social and health services, the department of health, and behavioral health organizations, shall establish a statewide plan to inform future grant allocations by assessing and prioritizing facility needs and gaps in the behavioral health continuum of care. The department must provide the plan to the fiscal committees of the legislature by September 1, 2018. The plan must include:

(1) An assessment of the continuum of care, including new community hospital inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced service facilities, triage facilities, crisis stabilization facilities for short-term detention services through the publicly funded mental health system, crisis walk-in clinics, residential treatment facilities, and supportive housing units;

(2) A prioritization of facility type by geographic region covering the full continuum of care defined in subsection (1) of this section;

(3) A systematic method to distribute resources across geographical regions so that over time all regions are moving forward in strengthening the local continuum of behavioral health facilities; and

(4) An assessment of the feasibility of establishing state-operated, community-based mental health hospitals.

Appropriation:
State Building Construction Account—State $200,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $200,000

NEW SECTION. **Sec. 1033. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

State Parks Capital Projects Study (91000437)

The appropriation in this section is subject to the following conditions and limitations:

The office of financial management, in consultation with the state parks and recreation commission, shall develop a study of the commission's capital budget process. The study shall be contracted to an independent third-party consultant with expertise in the state capital budget development process, capital project

cost estimating, value engineering, and related professional fields. The study must be provided to the fiscal committees of the legislature by September 1, 2018. The purpose of the study is to evaluate commission practices in comparison with best practices in public sector capital program design and execution.

The study must include an assessment of:

(1) The commission's capital budget development process for its 2019-2021 biennial budget and ten-year capital plan, including analysis of:

(a) Project identification and scoping processes;

(b) Project cost estimation methods and tools; and

(c) Project prioritization criteria and methods.

(2) State parks capital budget staffing compared to other public and private industry standards, including the percent of project funding that is used for staff FTEs and the number and function of:

(a) Design professionals (including engineers and landscape architects);

(b) Construction and Design project managers; and

(c) Other staff supported by capital funds.

(3) Historical capital project funding including, at a minimum:

(a) 2013-2015 and 2015-2017 capital budgets and expenditures;

(b) An analysis of actual project costs in comparison to budgeted costs including the percentage that projects were over and under the construction cost estimate and the total project cost estimate, both individually and in aggregate; and

(c) Percentage of reappropriations.

(4) The basis for cabin and comfort station project costs to include:

(a) Project objectives and customer requirements;

(b) Project elements (scale, materials, utilities, location, aesthetics, and other considerations significantly affecting project costs); and

(c) Operational fiscal analysis including projected operating costs and revenue from cabins; and

(d) Detailed cost estimates of previous and future cabin and comfort station projects.

(5) Costs compared to at least two other states with similar state parks and two other Washington state or local governments.

(6) An analysis of development costs associated with state park projects that differ from other public works projects and commercial private sector projects.

(7) Alternative procurement options for cabins, including premanufactured cabins, cabin kits, tiny homes, and modular construction.

Appropriation:

State Building Construction Account—State $100,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $100,000

***NEW SECTION.** Sec. 1034. FOR THE OFFICE OF FINANCIAL MANAGEMENT*

Higher Education and State Facility Financing Study (92000021)

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of financial management shall submit a higher education capital facility study to the governor and the appropriate legislative fiscal committees by October 1, 2018. In designing and conducting the study, the office of financial management shall consult with legislative and fiscal committee leadership, the department of revenue, the state investment board, the student achievement council, the state board for community and technical colleges, and the public four-year institutions of higher education. The study must include:

(a) A review of the methods that are used to fund higher education facility expansion and improvements in other states and the relative portions of such expenditures that are borne by students, state taxpayers, federal grants, and private contributions;

(b) An examination of alternatives for reducing facility construction and maintenance expenditures per student through strategies such as expansion of distance learning opportunities, increased scheduling of classes during evenings and weekends, the establishment of expected cost benchmarks by facility type, and other means;

(c) An assessment of the strengths and weaknesses of potential new revenue sources that might be applied to the funding of higher education facilities. These alternative sources must include, but not be limited to, adjusting student fees to support a larger share of the cost of such facilities, bonding against student fee revenues, utilizing local tax revenues to support local higher education capital needs, promoting business participation in the financing of programs strongly linked to area economic development, and other means;

(d) Learning space utilization standards for higher education facilities. The standards may include, but are not limited to:

(i) Percentage of hours utilized per scheduling window;

(ii) Percentage of seats utilized;

(iii) Square feet per seat; and

(iv) Type of technology utilized in learning spaces;

(e) Reasonableness of cost standards for higher education capital facilities. The standards may include, but are not limited to:

(i) Costs per square feet per type of facility; and

(ii) Expected life-cycle costs; and

(f) A criteria scoring and weighting tool for use by four-year higher education institutions and other decision makers that measures two components:

(i) A measure of achievement of higher education capital projects criteria; and

(ii) A measure to weigh the importance of those criteria.

(2) The office of financial management shall submit a state capital facility financing study to the governor and the appropriate legislative fiscal committees by December 1, 2018. In designing and conducting the study, the office of financial management shall consult with legislative and fiscal committee leadership. The study must include the establishment of expected cost benchmarks by facility type.

Appropriation:

State Building Construction Account—State $300,000

Prior Biennia (Expenditures) ***$0***
Future Biennia (Projected Costs) ***$0***
TOTAL ***$300,000***

****Sec. 1034 was vetoed. See message at end of chapter.***

NEW SECTION. **Sec. 1035. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

East Plaza - Water Infiltration and Elevator Repairs (30000548)

Appropriation:
State Building Construction Account—State $5,168,000
Prior Biennia (Expenditures) $3,103,000
Future Biennia (Projected Costs) $11,120,000
TOTAL $19,391,000

NEW SECTION. **Sec. 1036. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Capitol Lake Long-Term Management Planning (30000740)

The appropriation in this section is subject to the following conditions and limitations: The department shall develop an environmental impact statement to consider alternatives for Capitol Lake. The alternatives considered must include, at a minimum, a lake option, an estuary option, and a hybrid option. The environmental impact statement will also consider sediment transport and locations within lower Budd Inlet. The department must work with affected stakeholders to develop mitigation plans. The environmental impact statement must also consider an expanded area around Capitol Lake and Budd Inlet including the Port of Olympia for the economic analysis. The environmental impact statement must consider the use of equal funding from nonstate entities including, but not limited to, local governments, special purpose districts, tribes, and not-for-profit organizations.

Appropriation:
State Building Construction Account—State $2,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $940,000
TOTAL $3,440,000

NEW SECTION. **Sec. 1037. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Transportation Building Preservation (30000777)

The appropriation in this section is subject to the following conditions and limitations: $350,000 is provided solely for a predesign, to include an evaluation of temporary work space options for employees displaced by the proposed renovation.

Appropriation:
Capitol Building Construction Account—State $3,982,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $12,889,000
TOTAL $16,871,000

NEW SECTION. **Sec. 1038. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Elevator Modernization (30000786)
Appropriation:
State Building Construction Account—State $2,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $7,971,000
TOTAL $9,971,000

NEW SECTION. **Sec. 1039. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Legislative Building Systems Rehabilitation (30000791)
Appropriation:
Capitol Building Construction Account—State $993,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $6,000,000
TOTAL $6,993,000

NEW SECTION. **Sec. 1040. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Campus Physical Security and Safety Improvements (30000812)

The appropriation in this section is provided solely for a study to include: (1) An assessment of current capitol campus security, to include infrastructure, technology, and staffing; (2) an assessment of security systems at comparable state capitol campuses; (3) options for security to meet the needs of the capitol campus; and (4) a phased plan for improving campus physical security and safety, including estimated costs. The following must be included in the development of the study: House of representatives security personnel, senate security personnel, legislative building facility and security personnel, and temple of justice security personnel. The study must be submitted to the office of financial management and the appropriate committees of the legislature by August 31, 2018.

Appropriation:
Thurston County Capital Facilities Account—State $550,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $550,000

NEW SECTION. **Sec. 1041. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Statewide Minor Works - Preservation Projects (30000825)
Appropriation:
Enterprise Services Account—State $314,000
State Building Construction Account—State $2,664,000
State Vehicle Parking Account—State. $80,000
Subtotal Appropriation $3,058,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $9,970,000
TOTAL $13,028,000

NEW SECTION. **Sec. 1042. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Building Envelope Repairs (30000829)

Appropriation:
Capitol Building Construction Account—State $3,364,000
State Building Construction Account—State $4,936,000
Subtotal Appropriation $8,300,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $8,300,000

NEW SECTION. **Sec. 1043. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Engineering and Architectural Services: Staffing (30000889)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for architectural and engineering services to manage public works contracting for all state facilities pursuant to RCW 43.19.450.

(2) At the end of each fiscal year, the department must report to the office of financial management and the fiscal committees of the legislature on performance, including the following:

(a) The number of projects managed by each manager compared to previous biennia;

(b) Projects that were not completed on schedule and the reasons for the delays; and

(c) The number and cost of the change orders and the reason for each change order.

(3) At least twice per year, the department shall convene a group of private sector architects, contractors, and state agency facilities personnel to share, at a minimum, information on high performance methods, ideas, operating and maintenance issues, and cost. The facilities personnel must be from the community and technical colleges, the four-year institutions of higher education, and any other state agencies that have recently completed a new building or are currently in the construction phase.

(4) The department shall create a plan for scheduled renovations on the capitol campus, to include phasing and swing space for the predesigns for the department of transportation building, temple of justice, and employment security building.

Appropriation:
State Building Construction Account—State $10,220,000
Thurston County Capital Facilities Account—State $2,680,000
Subtotal Appropriation $12,900,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $12,900,000

NEW SECTION. **Sec. 1044. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Next Century Capitol Campus (40000028)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a predesign to analyze the

current heat and power configuration and compare it to a minimum of two new configurations on the capitol campus. A life-cycle cost analysis shall identify the preferred option over thirty years.

Appropriation:
Thurston County Capital Facilities Account—State $250,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $250,000

NEW SECTION. **Sec. 1045. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**
1063 Building Furniture and Equipment (40000029)

The appropriation in this section is subject to the following conditions and limitations: $2,414,000 is provided solely for the department for furniture, fixtures, and equipment for common areas in the building.

Appropriation:
Thurston County Capital Facilities Account—State $2,414,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,414,000

NEW SECTION. **Sec. 1046. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**
Capitol Childcare Center (40000030)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department to develop a predesign. The report must evaluate, at a minimum, the following criteria: (1) A minimum of two locations on the capitol campus or Heritage Park; (2) a survey of employees on the capitol campus to determine the need and capacity; (3) the necessary rate to support operations, maintenance, and debt service; (4) the existing child care capacity within a five mile radius of the capitol campus; and (5) a description of a public private partnership and the competitive process used to select the contractor to operate the facility.

Appropriation:
Thurston County Capital Facilities Account—State $250,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $250,000

NEW SECTION. **Sec. 1047. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**
Conservatory Demolition (91000442)
Appropriation:
Thurston County Capital Facilities Account—State $650,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $650,000

NEW SECTION. **Sec. 1048. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Capital Campus Utility Renewal Plan (92000012)

Appropriation:

State Building Construction Account—State $1,686,000
Prior Biennia (Expenditures) $650,000
Future Biennia (Projected Costs) $1,220,000
TOTAL $3,556,000

NEW SECTION. **Sec. 1049. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Relocate Mural from GA to 1063 (92000018)

Appropriation:

State Building Construction Account—State $275,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $275,000

NEW SECTION. **Sec. 1050. FOR THE MILITARY DEPARTMENT**

Thurston County Readiness Center (30000594)

Appropriation:

General Fund—Federal $33,315,000
State Building Construction Account—State $7,863,000
Military Department Capital Account—State $375,000
Subtotal Appropriation $41,553,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $41,553,000

NEW SECTION. **Sec. 1051. FOR THE MILITARY DEPARTMENT**

Minor Works Preservation 2017-19 Biennium (30000811)

Appropriation:

General Fund—Federal $3,776,000
State Building Construction Account—State $1,821,000
Subtotal Appropriation $5,597,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $5,597,000

NEW SECTION. **Sec. 1052. FOR THE MILITARY DEPARTMENT**

Minor Works Program 2017-19 Biennium (30000812)

Appropriation:

General Fund—Federal $10,171,000
State Building Construction Account—State $2,661,000
Subtotal Appropriation $12,832,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $12,832,000

NEW SECTION. **Sec. 1053. FOR THE MILITARY DEPARTMENT**

Tri-Cities Readiness Center (30000808)

Appropriation:

General Fund—Federal $500,000

State Building Construction Account—State $300,000
Subtotal Appropriation $800,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $16,200,000
TOTAL $17,000,000

NEW SECTION. **Sec. 1054. FOR THE MILITARY DEPARTMENT**

Centralia Readiness Center Major Renovation (30000818)

Appropriation:
General Fund—Federal $2,375,000
State Building Construction Account—State $2,375,000
Subtotal Appropriation $4,750,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $4,750,000

NEW SECTION. **Sec. 1055. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Historic Cemetery Grant Program (30000021)

Appropriation:
State Building Construction Account—State $500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $2,060,000
TOTAL $2,560,000

NEW SECTION. **Sec. 1056. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Heritage Barn Preservation Program 2017-19 (92000010)

Appropriation:
State Building Construction Account—State $515,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $2,060,000
TOTAL $2,575,000

NEW SECTION. **Sec. 1057. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Historic County Courthouse Grants Program 2017-19 (92000011)

The appropriation in this section is provided solely for the following list of projects:
Pacific County $364,041
Lewis County $230,000
Grant County $543,576

Appropriation:
State Building Construction Account—State $1,137,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $10,400,000
TOTAL $11,537,000

PART 2
HUMAN SERVICES

NEW SECTION. **Sec. 2001. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Omnibus Minor Works (30000021)
Appropriation:
State Building Construction Account—State $740,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $740,000

NEW SECTION. **Sec. 2002. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**
Behavioral Health: Compliance with Systems Improvement Agreement (30003849)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6008, chapter 4, Laws of 2017, 3rd sp. sess.

Reappropriation:
State Building Construction Account—State $2,720,000
Prior Biennia (Expenditures) $3,280,000
Future Biennia (Projected Costs) $0
TOTAL $6,000,000

Sec. 2003. 2017 3rd sp.s. c 4 s 2001 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital New Kitchen and Commissary Building (20081319)

The reappropriation in this section is subject to the following conditions and limitations:
(((~~(1) The department shall redesign the kitchen and commissary building to account for a reduced client population at western state hospital.~~
~~(2)~~)) This facility shall house a kitchen, commissary, medical supply, and pharmacy operations to improve operational efficiency at western state hospital and at the special commitment center.
(((~~(3) The department shall submit an updated project proposal by October 15, 2017 and return any excess funds.~~))
Reappropriation:
State Building Construction Account—State $28,000,000
Prior Biennia (Expenditures) $2,190,000
Future Biennia (Projected Costs) $0
TOTAL $30,190,000

NEW SECTION. **Sec. 2004. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**
Eastern State Hospital: New Boiler Plant (30000468)
Appropriation:
State Building Construction Account—State $565,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $565,000

NEW SECTION. **Sec. 2005. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Program Projects: Statewide (30001859)
Appropriation:
State Building Construction Account—State $700,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $21,145,000
TOTAL $21,845,000

NEW SECTION. **Sec. 2006. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**
Minor Works Preservation Projects: Statewide (30002235)
Appropriation:
State Building Construction Account—State $12,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $171,510,000
TOTAL $183,510,000

NEW SECTION. **Sec. 2007. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**
Lakeland Village: Code Required Campus Infrastructure Upgrades (30002238)
Appropriation:
Charitable, Educational, Penal, and Reformatory Institutions Account—State $2,500,000
State Building Construction Account—State $2,500,000
Subtotal Appropriation $5,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $15,200,000
TOTAL $20,200,000

NEW SECTION. **Sec. 2008. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**
Echo Glen - Housing Unit: Acute Mental Health Unit (30002736)
Appropriation:
State Building Construction Account—State $9,520,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $9,520,000

NEW SECTION. **Sec. 2009. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**
Statewide - RA Community Facilities: Safety & Security Improvements (30002737)
Appropriation:
Charitable, Educational, Penal, and Reformatory Institutions Account—State $2,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,000,000

NEW SECTION. **Sec. 2010. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**
Special Commitment Center: Kitchen & Dining Room Upgrades (20081506)

Appropriation:
State Building Construction Account—State $1,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,000,000

NEW SECTION. **Sec. 2011. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Rainier School - Multiple Buildings: Roofing Replacement & Repairs (30002752)

Appropriation:
State Building Construction Account—State $600,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $600,000

NEW SECTION. **Sec. 2012. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Green Hill School - Recreation Building: Replacement (30003237)

Appropriation:
State Building Construction Account—State $1,312,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $11,000,000
TOTAL $12,312,000

NEW SECTION. **Sec. 2013. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Child Study and Treatment Center: CLIP Capacity (30003324)

Appropriation:
State Building Construction Account—State $12,130,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $12,130,000

NEW SECTION. **Sec. 2014. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center - King County SCTF: Expansion (30003564)

The appropriation in this section is subject to the following conditions and limitations: No funds may be allotted until the department consults with the city of Seattle.

Appropriation:
State Building Construction Account—State $2,570,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,570,000

NEW SECTION. **Sec. 2015. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

State Psychiatric Hospitals: Compliance with Federal Requirements (30003569)

The appropriation in this section is subject to the following conditions and limitations: The department shall submit a report on the use of this funding, to include the identification of the institution, project scope, associated federal requirements, and the remaining balance. The report shall be submitted to the office of financial management and the appropriate committees of the legislature at the end of each fiscal year.

Appropriation:
State Building Construction Account—State $2,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $5,000,000
TOTAL $7,000,000

NEW SECTION. **Sec. 2016. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Master Plan Update (30003571)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a master plan for western state hospital and the child study and treatment center. The master plan shall assume a reduced client population at western state hospital that is focused on forensic commitments.

(2) By June 30, 2019, the department of social and health services must transfer deed of the property known as the Fort Steilacoom park to the city of Lakewood. The city of Lakewood will receive the land covered by its current lease. Liabilities existing on the land at the time of transfer will transfer with the land. The transfer must be at no cost to the city. The department may reserve easements in the transferred property at no cost to the department. When the deed is transferred to the city, the lease expires. The department may include a restriction on the property requiring the city of Lakewood to maintain and operate the land as a park.

(3) By June 30, 2019, the department of social and health services must transfer deed of the property known as the Pierce College Fort Steilacoom campus to Pierce College. Pierce College will receive the land covered by its current lease. The transfer must be at no cost to the college. When the deed is transferred to the college, the lease expires.

Appropriation:
Charitable, Educational, Penal, and Reformatory
Institutions Account—State $400,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $400,000

NEW SECTION. **Sec. 2017. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital - East Campus: New Security Fence (30003578)

Appropriation:
State Building Construction Account—State $1,720,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0

TOTAL $1,720,000

NEW SECTION. **Sec. 2018. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital - Multiple Buildings: Fire Suppression (30003579)

Appropriation:

State Building Construction Account—State $1,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $2,000,000
TOTAL $3,000,000

NEW SECTION. **Sec. 2019. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Green Hill School - Campus: Security & Surveillance Upgrades (30003580)

Appropriation:

State Building Construction Account—State $2,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,000,000

NEW SECTION. **Sec. 2020. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital - Multiple Buildings: Windows Security (30003585)

Appropriation:

State Building Construction Account—State $2,550,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $10,000,000
TOTAL $12,550,000

NEW SECTION. **Sec. 2021. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest School: Campus Master Plan & Rezone (30003601)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for the fircrest school campus master plan and rezone.

(2) At any time during the 2017-2019 biennium, the department of social and health services may transfer to the department of health approximately five acres east of the existing department of health property for the purpose of future expansion of the public health laboratory by the department of health, in accordance with the master plans of both agencies. Funds appropriated in this section may be used for expenses incidental to the transfer of the property.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State $200,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $200,000

NEW SECTION. **Sec. 2022. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital - Forensic Services: Roofing Replacement (30003603)

Appropriation:

State Building Construction Account—State $1,955,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,955,000

NEW SECTION. **Sec. 2023. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: Emergency Electrical System Upgrades (30003616)

Appropriation:

State Building Construction Account—State $1,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,000,000

NEW SECTION. **Sec. 2024. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital - Building 28: Treatment & Recovery Center (40000024)

Appropriation:

State Building Construction Account—State $1,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $6,475,000
TOTAL $7,475,000

NEW SECTION. **Sec. 2025. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital Forensic Ward (91000050)

Appropriation:

State Building Construction Account—State $2,800,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,800,000

NEW SECTION. **Sec. 2026. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Wards Renovations for Forensic Services (40000026)

Appropriation:

State Building Construction Account—State $1,560,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $9,600,000
TOTAL $11,160,000

NEW SECTION. **Sec. 2027. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center - Community Facilities: New Capacity (30003577)

The appropriation in this section is subject to the following conditions and limitations: The department must consult with the communities that are potential sites for these facilities.

Appropriation:
Charitable, Educational, Penal, and Reformatory Institutions Account—State $500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $12,760,000
TOTAL $13,260,000

NEW SECTION. **Sec. 2028. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

DOC/DSHS McNeil Island - Infrastructure: Water System Replacement (30003213)

Appropriation:
State Building Construction Account—State $2,508,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,508,000

NEW SECTION. **Sec. 2029. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

ESH and WSH - All Wards: Patient Safety Improvements (91000019)

Appropriation:
Charitable, Educational, Penal, and Reformatory Institutions Account—State $2,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $2,000,000
TOTAL $4,500,000

NEW SECTION. **Sec. 2030. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: 30 Forensic Beds (91000049)

Appropriation:
State Building Construction Account—State $1,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,500,000

NEW SECTION. **Sec. 2031. FOR THE DEPARTMENT OF HEALTH**

Newborn Screening Wing Addition (30000301)

Appropriation:
State Building Construction Account—State $2,510,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,510,000

NEW SECTION. **Sec. 2032. FOR THE DEPARTMENT OF HEALTH**

Minor Works - Preservation (30000382)

Appropriation:
State Building Construction Account—State $593,000
Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs). $0
TOTAL $593,000

NEW SECTION. **Sec. 2033. FOR THE DEPARTMENT OF HEALTH**
Minor Works - Program (30000383)

Appropriation:
State Building Construction Account—State $868,000
Prior Biennia (Expenditures). $0
Future Biennia (Projected Costs). $0
TOTAL $868,000

NEW SECTION. **Sec. 2034. FOR THE DEPARTMENT OF HEALTH**
Drinking Water Construction Loans (30000409)

The appropriation in this section is subject to the following conditions and limitations:

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the department of health must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its drinking water state revolving fund program loan.

(2) The agency must encourage local government use of federally funded drinking water infrastructure programs operated by the United States department of agriculture - rural development.

Appropriation:
Drinking Water Assistance Account—State $118,000,000
Prior Biennia (Expenditures). $0
Future Biennia (Projected Costs). $472,000,000
TOTAL $590,000,000

NEW SECTION. **Sec. 2035. FOR THE DEPARTMENT OF HEALTH**
Drinking Water System Repairs and Consolidation (40000006)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants to well-managed, publicly-owned group A water utilities for the repair and consolidation of group A and B water systems under the following conditions:

(1) A grant can be provided when a water system has been voluntarily transferred to a publicly owned water utility within the last three years. The grant may be used for repair and consolidation costs.

(2) The grant applicant must provide the department of health with an accounting of rehabilitation costs and the value of the system. The grant must be used primarily to cover project design and construction costs, and only in limited cases to cover the cost of system acquisitions, as determined by the department of health in evaluating grant applications.

(3) Grants must primarily be used to cover project construction costs that customers benefiting from the project cannot afford to repay through loans, as determined by the department of health and the publicly owned utility receiving the grant to complete the project.

(4) Applicants must provide a plan demonstrating that project completion will occur within three years of the grant contract execution.

(5) Each grant must be less than twenty-five percent of the total appropriation.

(6) The primary purpose of this appropriation is to fund water system repair and consolidation construction costs. However, the department may use a limited amount of funds under this section for grants for feasibility review of water system repair and consolidation projects that would meet the objectives of this section and RCW 70.119A.190.

Appropriation:

State Building Construction Account—State $5,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $5,000,000

NEW SECTION. **Sec. 2036. FOR THE DEPARTMENT OF HEALTH**

Drinking Water Assistance Program - State Match (40000007)

The appropriation in this section is subject to the following conditions and limitations: $10,000,000 of the appropriation is provided solely as state match for federal drinking water funds. $10,000,000 of the appropriation must be transferred into the drinking water assistance account.

Appropriation:

State Taxable Building Construction Account—State. $10,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $40,000,000
TOTAL $50,000,000

NEW SECTION. **Sec. 2037. FOR THE DEPARTMENT OF HEALTH**

Othello Water Supply and Storage (40000008)

Appropriation:

State Building Construction Account—State $1,550,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,550,000

NEW SECTION. **Sec. 2038. FOR THE DEPARTMENT OF HEALTH**

Drinking Water Assistance Program 2017-19 (92000025)

Appropriation:

Drinking Water Assistance Account—Federal $32,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $128,000,000
TOTAL $160,000,000

NEW SECTION. **Sec. 2039. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Minor Works Facilities Preservation (30000094)

Appropriation:

State Building Construction Account—State $2,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $11,085,000
TOTAL $13,085,000

NEW SECTION. **Sec. 2040. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Minor Works Program (30000131)

Appropriation:

State Building Construction Account—State $670,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $7,609,000
TOTAL $8,279,000

NEW SECTION. **Sec. 2041. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

WSVC Additional Internment Vaults and Roadway (30000215)

Appropriation:

General Fund—Federal $2,700,000
State Building Construction Account—State $300,000
Subtotal Appropriation $3,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $3,000,000

NEW SECTION. **Sec. 2042. FOR THE DEPARTMENT OF CORRECTIONS**

CBCC: Boiler Replacement (30000130)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department to develop a predesign. The department shall develop a predesign for replacing the current boilers. The alternatives must include replacing the current boiler configuration with three or less boilers with a life cycle cost analysis that identifies the most efficient solution over thirty years. At least one alternative must consider cogeneration. The office of financial management must approve the predesign before design funds are alloted.

Appropriation:

State Building Construction Account—State $1,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,000,000

NEW SECTION. **Sec. 2043. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Transformers and Switches (30000143)

Appropriation:

State Building Construction Account—State $4,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $11,833,000
TOTAL $15,833,000

NEW SECTION. **Sec. 2044. FOR THE DEPARTMENT OF CORRECTIONS**

SCCC: Replace Heat Exchangers (30000523)

Appropriation:

State Building Construction Account—State $2,032,000

Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,032,000

NEW SECTION. **Sec. 2045. FOR THE DEPARTMENT OF CORRECTIONS**

WCC Replace Roofs (30000654)

Appropriation:

State Building Construction Account—State $2,270,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $4,540,000
TOTAL $6,810,000

NEW SECTION. **Sec. 2046. FOR THE DEPARTMENT OF CORRECTIONS**

CBCC: Access Road Culvert Replacement and Road Resurfacing (30001078)

Appropriation:

State Building Construction Account—State $1,100,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,100,000

NEW SECTION. **Sec. 2047. FOR THE DEPARTMENT OF CORRECTIONS**

WSP: Program and Support Building (30001101)

Appropriation:

State Building Construction Account—State $8,685,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $8,685,000

NEW SECTION. **Sec. 2048. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works - Preservation Projects (30001114)

Appropriation:

State Building Construction Account—State $10,909,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $55,712,000
TOTAL $66,621,000

NEW SECTION. **Sec. 2049. FOR THE DEPARTMENT OF CORRECTIONS**

MCC ADA Compliance Retrofit (30001118)

Appropriation:

State Building Construction Account—State $1,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,000,000

NEW SECTION. **Sec. 2050. FOR THE DEPARTMENT OF CORRECTIONS**

SW IMU Recreation Yard Improvement (30001123)

Appropriation:
State Building Construction Account—State $1,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,500,000

NEW SECTION. **Sec. 2051. FOR THE DEPARTMENT OF CORRECTIONS**

CRCC Security Electronics Network Renovation (30001124)

Appropriation:
State Building Construction Account—State $6,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $6,000,000

NEW SECTION. **Sec. 2052. FOR THE DEPARTMENT OF CORRECTIONS**

AVWR: WR Bed Capacity - 41 Beds at WR Facility (30001166)

Appropriation:
State Building Construction Account—State $740,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $740,000

NEW SECTION. **Sec. 2053. FOR THE DEPARTMENT OF CORRECTIONS**

MLCC: 128 Bed Minimum Camp (30001168)

The appropriations in this section are subject to the following conditions and limitations: The department must establish a mental health program for women offenders. The program must at a minimum provide programs and treatment for female offenders diagnosed with a mental illness.

Appropriation:
State Building Construction Account—State $2,551,000
Charitable, Educational, Penal, and Reformatory Institutions Account—State $1,790,000
Subtotal Appropriation $4,341,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $1,500,000
TOTAL $5,841,000

NEW SECTION. **Sec. 2054. FOR THE DEPARTMENT OF CORRECTIONS**

Correctional Industries: Laundry Feasibility Study (40000002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall conduct a feasibility study to assess whether correctional industries can efficiently provide laundry services to Lakeland Village, eastern state hospital, and/or the Spokane veteran's home.

The study shall include: (a) The identification of the resources required, including the estimated capital and operating investment costs and ongoing

operating costs for the department at the airway heights corrections center to provide laundry services to the facilities referenced in this section; (b) an assessment of contraband management and the resources needed to do so; (c) an assessment of how the department will meet health regulations for laundry in a hospital setting; (d) the advantages and disadvantages of the department providing laundry services to the facilities referenced in this section; and (e) identification of logistics and operations to meet the demands.

The department shall provide the feasibility study to the office of financial management and appropriate committees of the legislature by October 15, 2018.

(2) The department of social and health services and the department of veterans affairs shall provide to the department of corrections detailed information on their current laundry operations at Lakeland Village, eastern state hospital and the Spokane veteran's home including but not limited to pounds of laundry per day, staffing, equipment inventory, materials purchased, and estimated utility costs.

Appropriation:

State Building Construction Account—State $250,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $250,000

NEW SECTION. **Sec. 2055. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

Building Systems Preservation (30000004)

The appropriation in this section is provided solely for a predesign of the employment security department headquarters renovation. The predesign shall incorporate the findings of the recently completed investment grade audit and shall include an evaluation of temporary work space options for employees displaced by the proposed renovation.

Appropriation:

State Building Construction Account—State $241,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $34,000,000
TOTAL $34,241,000

PART 3
NATURAL RESOURCES

NEW SECTION. **Sec. 3001. FOR THE DEPARTMENT OF ECOLOGY**

2017 3rd sp.s. c 4 ss 3043 and 3059 (uncodified) are repealed.

NEW SECTION. **Sec. 3002. FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grants (30000458)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are subject to the provisions of section 3011, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Local Toxics Control Account—State $25,476,000

Appropriation:
State Building Construction Account—State $20,000,000
Prior Biennia (Expenditures) $7,271,000
Future Biennia (Projected Costs) $0
TOTAL $52,747,000

NEW SECTION. **Sec. 3003. FOR THE DEPARTMENT OF ECOLOGY**
ASARCO Cleanup (30000670)
Appropriation:
Cleanup Settlement Account—State $28,760,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $22,599,000
TOTAL $51,359,000

NEW SECTION. **Sec. 3004. FOR THE DEPARTMENT OF ECOLOGY**
Reducing Toxic Diesel Emissions (30000671)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for projects that are not eligible for the Volkswagen "clean diesel" marketing, sales practice, and products liability litigation settlement.

Appropriation:
State Building Construction Account—State $500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $4,000,000
TOTAL $4,500,000

NEW SECTION. **Sec. 3005. FOR THE DEPARTMENT OF ECOLOGY**
Waste Tire Pile Cleanup and Prevention (30000672)
Appropriation:
Waste Tire Removal Account—State $1,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $4,000,000
TOTAL $5,000,000

NEW SECTION. **Sec. 3006. FOR THE DEPARTMENT OF ECOLOGY**
Sunnyside Valley Irrigation District Water Conservation (30000673)
Appropriation:
State Building Construction Account—State $4,684,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $20,000,000
TOTAL $24,684,000

NEW SECTION. **Sec. 3007. FOR THE DEPARTMENT OF ECOLOGY**
Reducing Toxic Woodstove Emissions (30000674)
Appropriation:
State Building Construction Account—State $2,000,000

Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $4,000,000
TOTAL $6,000,000

NEW SECTION. **Sec. 3008. FOR THE DEPARTMENT OF ECOLOGY**

2015-2017 Restored Eastern Washington Clean Sites Initiative (30000704)

Appropriation:
State Building Construction Account—State $2,436,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,436,000

NEW SECTION. **Sec. 3009. FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Centennial Clean Water Program (30000705)

The appropriation in this section is subject to the following conditions and limitations:

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the department of ecology must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its centennial program grant.

(2) The agency must encourage local government use of federally funded clean water infrastructure programs operated by the United States department of agriculture - rural development.

Appropriation:
State Building Construction Account—State $35,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $120,000,000
TOTAL $155,000,000

NEW SECTION. **Sec. 3010. FOR THE DEPARTMENT OF ECOLOGY**

Floodplains by Design 2017-19 (30000706)

Appropriation:
State Building Construction Account—State $35,389,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $35,389,000

NEW SECTION. **Sec. 3011. FOR THE DEPARTMENT OF ECOLOGY**

Swift Creek Natural Asbestos Flood Control and Cleanup (30000708)

The appropriation in this section is subject to the following conditions and limitations: The terms of any land acquisition contract executed pursuant to this section must include requirements, such as covenants or easements, that the land be managed in a manner that provides for long-term sustainable timber growth and harvest on the property. Use of the property must prioritize forest practices

that provide for sufficient feedstock timber to any sawmills adjacent to the property.

Appropriation:
State Building Construction Account—State $4,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $11,800,000
TOTAL $15,800,000

NEW SECTION. **Sec. 3012. FOR THE DEPARTMENT OF ECOLOGY**

Coordinated Prevention Grants (30000709)

Appropriation:
State Building Construction Account—State $10,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $40,000,000
TOTAL $50,000,000

NEW SECTION. **Sec. 3013. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Revolving Program (30000710)

The appropriations in this section are subject to the following conditions and limitations:

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the department of ecology must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its water pollution control state revolving fund program loan.

(2) The agency must encourage local government use of federally funded clean water infrastructure programs operated by the United States department of agriculture - rural development.

Appropriation:
Water Pollution Control Revolving Account—
Federal $50,000,000
Water Pollution Control Revolving Account—
State $160,000,000
Subtotal Appropriation $210,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $840,000,000
TOTAL $1,050,000,000

NEW SECTION. **Sec. 3014. FOR THE DEPARTMENT OF ECOLOGY**

Yakima River Basin Water Supply (30000711)

Appropriation:
State Building Construction Account—State $31,100,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $76,000,000
TOTAL $107,100,000

NEW SECTION. **Sec. 3015. FOR THE DEPARTMENT OF ECOLOGY**

Columbia River Water Supply Development Program (30000712)

The appropriations in this section are subject to the following conditions and limitations:

(1) $10,000,000 of the appropriations are provided solely for the east Columbia irrigation district.

(2) $5,000,000 of the appropriations are provided solely for a forty-seven and one-half mile pipeline for full capacity. Funds must be prioritized to constructing the distribution system to a capacity serving no less than eleven thousand acres. Any remaining funds must be directed to the Odessa groundwater replacement program.

(3) $2,000,000 of the appropriations are provided solely for Icicle Creek integrated planning.

(4) $16,800,000 of the appropriations are provided solely for the department to fund existing projects and staffing.

Appropriation:

State Building Construction Account—State $19,550,000
Columbia River Basin Water Supply Development Account—State $12,250,000
Columbia River Basin Water Supply Revenue Recovery Account—State $2,000,000
Subtotal Appropriation $33,800,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $72,000,000
TOTAL $105,800,000

NEW SECTION. **Sec. 3016. FOR THE DEPARTMENT OF ECOLOGY**

Lacey Headquarters Facility Preservation Projects (30000713)

Appropriation:

State Building Construction Account—State $635,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $635,000

NEW SECTION. **Sec. 3017. FOR THE DEPARTMENT OF ECOLOGY**

Watershed Plan Implementation and Flow Achievement (30000714)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation is provided solely for activities that improve rural water supplies and help achieve instream flows by implementing locally developed projects and watershed plans, as follows:

(1) Surface or ground water storage projects. The department shall consult with the departments of agriculture and fish and wildlife before issuing water storage grants.

(2) Infrastructure or water management projects that resolve conflicts among water needs for municipal, agricultural, rural, and fish restoration purposes.

(3) Agricultural water supply projects that improve water conservation and water use efficiency.

(4) Purchase and installation of water measuring devices in water-short basins, salmon critical basins, other basins participating in the department of fish and wildlife fish screening and cooperative compliance program, and basins where watershed plans call for additional water use measurement.

(5) Acquisition of water to achieve instream flows or to establish water banks. The department must give priority to acquisitions in water short basins. The department must place acquired water into the state's trust water rights program pursuant to chapters 90.38 and 90.42 RCW.

Appropriation:

State Building Construction Account—State $5,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $30,000,000
TOTAL $35,000,000

NEW SECTION. **Sec. 3018. FOR THE DEPARTMENT OF ECOLOGY**

Water Irrigation Efficiencies Program (30000740)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for technical assistance and grants to conservation districts for the purpose of implementing water conservation measures and irrigation efficiencies. The department and the state conservation commission shall give preference to projects located in the 16 fish critical basins, other water-short or drought impacted basins, and basins with significant water resource and instream flow issues. Projects that are not within the basins described in this subsection are also eligible to receive funding.

(2) Conservation districts statewide are eligible for grants listed in subsection (1) of this section. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed eighty-five percent of the total cost of the conservation measure or irrigation efficiency.

(3) Up to $300,000 of the appropriation in this section may be allocated for the purchase and installation of flow meters that are implemented in cooperation with the Washington state department of fish and wildlife fish screening program authorized under RCW 77.57.070.

Appropriation:

State Building Construction Account—State $4,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $4,000,000

NEW SECTION. **Sec. 3019. FOR THE DEPARTMENT OF ECOLOGY**

Eastern Regional Office Improvements and Storm Water Treatment (30000741)

Appropriation:

State Building Construction Account—State $1,920,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $1,682,000
TOTAL $3,602,000

NEW SECTION. **Sec. 3020. FOR THE DEPARTMENT OF ECOLOGY**

2015-2017 Restored Clean Up Toxic Sites - Puget Sound (30000763)

Appropriation:

State Building Construction Account—State $5,240,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $5,240,000

NEW SECTION. **Sec. 3021. FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Stormwater Financial Assistance Program (30000796)

Appropriation:

State Building Construction Account—State $25,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $120,000,000
TOTAL $145,000,000

NEW SECTION. **Sec. 3022. FOR THE DEPARTMENT OF ECOLOGY**

2015-2017 Restored Stormwater Financial Assistance (30000797)

Appropriation:

State Building Construction Account—State $30,100,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $30,100,000

NEW SECTION. **Sec. 3023. FOR THE DEPARTMENT OF ECOLOGY**

Catastrophic Flood Relief (40000006)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to $30,400,000 of the appropriation is for advancing the long-term strategy for the Chehalis basin projects to reduce flood damage and restore aquatic species including project level environmental review, data collection, engineering design of future construction projects, feasibility analysis, and engagement of state agencies, tribes, and other parties.

(2) Up to $19,600,000 of the state building construction account appropriation and $10,000,000 from the federal account is for construction of local priority flood protection and habitat restoration projects.

(3) The office of Chehalis basin board has discretion to allocate the funding between subsections (1) and (2) of this section if needed to meet the objectives of this appropriation.

(4) Up to one and a half percent of the appropriation provided in this section may be used by the recreation and conservation office to administer contracts associated with the subprojects funded through this section. Contract administration includes, but is not limited to: Drafting and amending contracts, reviewing and approving invoices, tracking expenditures, and performing field inspections to assess project status when conducting similar assessments related to other agency contracts in the same geographic area.

Appropriation:

State Building Construction Account—State $50,000,000
General Fund—Federal $10,000,000
Subtotal Appropriation $60,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $200,000,000
TOTAL $260,000,000

NEW SECTION. **Sec. 3024. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control State Match (40000013)

The appropriation in this section is subject to the following conditions and limitations: $10,000,000 of the appropriation is provided solely as state match for federal clean water funds. $10,000,000 of the appropriation must be transferred into the water pollution control revolving account.

Appropriation:

State Taxable Building Construction Account—State $10,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $40,000,000
TOTAL $50,000,000

NEW SECTION. **Sec. 3025. FOR THE DEPARTMENT OF ECOLOGY**

VW Settlement Funded Projects (40000018)

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature finds that it is appropriate to provide a framework for the administration of mitigation funds provided to the state as a beneficiary under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions-related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years. The legislature deems the department of ecology the responsible agency for the administration and expenditure of funds provided by the trustee under the terms of the consent decrees, including the development of a mitigation plan to guide the use of the funds, whether or not the department receives funds directly for projects included in the plan.

(2)(a) The department of ecology shall develop the mitigation plan through an open, transparent public process consistent with direction in the consent decrees. The department shall provide ample opportunity using a variety of

engagement options, as appropriate, for stakeholders and the public to shape, review, and comment throughout the development of the mitigation plan, including at least two meetings of the legislative advisory group as described in (c) of this subsection.

(b) The department of ecology shall work collaboratively with other agencies to develop and implement the elements of the mitigation plan that address categories of projects for which other agencies have already developed programs or expertise. In doing so, the department of ecology must consider and utilize, where appropriate and to the extent possible, the following existing programs for alternative fuels and zero emission vehicles:

(i) The department of transportation's electric vehicle infrastructure bank program;

(ii) The state alternative fuel commercial vehicle tax credit;

(iii) The state sales and use tax exemption for clean vehicles; and

(iv) Public transportation grant programs administered by the department of transportation.

(c)(i) For the purposes of providing legislative input and gathering public feedback on the development of the mitigation plan, a legislative advisory group is established. The advisory group is comprised of eight legislators, including the chairs and ranking members, or designees of the chairs and ranking members, of the transportation and capital budget committees in the House and in the Senate; the director of the department of ecology; and the secretary of the department of transportation.

(ii) The advisory group must select a chair from among its membership. Meetings of the advisory group must be open to the public and allow for public comment.

(iii) The advisory group must meet at least twice, once immediately prior to the date that the draft mitigation plan is released publicly, and again after public comment has been incorporated but before the department submits the plan to the trustee.

(iv) The office of program research and the senate committee services must provide staff support to the advisory group. The department of ecology staff must provide technical support, as needed. Legislative members of the advisory group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, government entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. Advisory group expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(3) The mitigation plan and the stewardship of project implementation must adhere to the following principles:

(a) Maximize air quality and public health benefits relating to the reduction of nitrogen oxides emissions;

(b) Give priority to projects that improve air quality relating to the reduction of nitrogen oxides emissions in areas that bear a disproportionate share of the burden from nitrogen oxides emissions;

(c) Achieve substantial additional air quality benefits relating to the reduction of nitrogen oxides emissions beyond that which would already occur, absent trust funding;

(d) Investments in clean vehicles or investments in clean engine replacements must be shown to be cost-effective. For the purposes of leveraging funding, investments in clean vehicles may not exceed the incremental cost of the clean vehicle, relative to the cost of a similar conventionally fueled vehicle. To incentivize the replacement of standard engines, investments may be made up to the full cost of the clean engine replacement;

(e) Consideration must be given to investments across a range of fueling technologies and emissions reduction technologies; and

(f) Priority must be given to projects that have the highest benefit-cost ratios, in terms of the amount of nitrogen oxides emissions reduced per dollar invested.

(4) Funding must be allocated to eligible projects under the terms of the consent decrees in the following manner:

(a)(i) No more than thirty percent of funding provided during the 2017-2019 biennium for commercial vehicle class four through eight transit buses, shuttle buses, and school buses;

(ii) No more than thirty percent of funding provided during the 2017-2019 biennium for commercial vehicle class eight local freight trucks and port drayage trucks;

(iii) No more than twenty percent of funding provided during the 2017-2019 biennium for commercial vehicle class four through seven local freight trucks;

(iv) No more than twenty percent of funding provided during the 2017-2019 biennium for airport ground support equipment;

(v) No more than twenty percent of funding provided during the 2017-2019 biennium for ocean-going vessels' shore power;

(vi) No more than fifteen percent of funding provided during the 2017-2019 biennium for light duty, zero emission vehicle supply equipment;

(vii) No more than twenty percent of funding provided during the 2017-2019 biennium for nonfederal matching funds for projects eligible under the diesel emission reduction act option; and

(viii) For each of the other categories of mitigation actions that are eligible under the consent decrees but not otherwise specified under this subsection (4)(a), no more than ten percent of funding provided during the 2017-2019 biennium.

(b) Projects that receive funding under subsection (4)(a)(ii) and (iii) of this section and ocean-going vessels shorepower projects that receive funding under subsection (4)(a)(viii) of this section must include electric technologies, if practicable.

(5) To the extent this section conflicts with the consent decrees, the consent decrees supersede it.

(6) The department of ecology may modify the mitigation plan as needed to comply with trustee requirements, including to the extent these modifications conflict with this section. In making any adjustments, the department of ecology shall consult with the department of transportation and the office of the superintendent of public instruction and provide notice to the steering committee of any significant changes to the plan submitted.

(7) The department of ecology shall provide a report to the governor and the appropriate committees of the legislature by January 1, 2018, and each year thereafter, on any plans or efforts to change the mitigation plan, its progress in implementing the mitigation plan, and the specific projects funded through these mitigation funds for the previous fiscal year.

(8) For the purposes of this section:

(a) "Project" means an eligible mitigation action under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions-related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years.

(b) "Trustee" means the entity selected under the terms of the consent decrees to administer the disbursement of funds to eligible projects for the purposes of mitigating nitrogen oxides emission pollution.

Appropriation:

General Fund—Private/Local $20,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $20,000,000

NEW SECTION. **Sec. 3026. FOR THE DEPARTMENT OF ECOLOGY**

Integrated Planning Grant: Port Townsend (91000338)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for an integrated planning grant to the port of Port Townsend to perform an environmental site assessment and development plan to guide redevelopment of the marina and shipyard.

Appropriation:

State Building Construction Account—State $200,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $200,000

NEW SECTION. **Sec. 3027. FOR THE DEPARTMENT OF ECOLOGY**

Water Availability (91000343)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for watershed restoration and enhancement projects. If chapter . . . (Substitute Senate Bill No. 6091 (water availability)), Laws of 2018 is not enacted by June 30, 2018, the amounts provided in this section shall lapse.

Appropriation:

Watershed Restoration and Enhancement Bond Account—State $20,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $280,000,000
TOTAL $300,000,000

NEW SECTION. **Sec. 3028. FOR THE DEPARTMENT OF ECOLOGY**

Storm Water Improvements (92000076)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3016, chapter 35, Laws of 2016 sp. sess.

Reappropriation:
State Building Construction Account—State $18,525,000
Environmental Legacy Stewardship Account—State $11,528,000
Subtotal Reappropriation $30,053,000
Appropriation:
State Building Construction Account—State $40,000,000
Prior Biennia (Expenditures) $26,947,000
Future Biennia (Projected Costs) $0
TOTAL $97,000,000

NEW SECTION. **Sec. 3029. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

Underground Storage Tank Capital Financing Assistance Pgm 2017-19 (92000001)
Appropriation:
PLIA Underground Storage Tank Revolving
Account—State $20,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $80,000,000
TOTAL $100,000,000

NEW SECTION. **Sec. 3030. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

Leaking Tank Model Remedies (30000669)
Appropriation:
State Building Construction Account—State $1,106,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,106,000

NEW SECTION. **Sec. 3031. FOR THE STATE PARKS AND RECREATION COMMISSION**

Twin Harbors State Park: Renovation (30000086)
Appropriation:
State Building Construction Account—State $471,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $25,986,000
TOTAL $26,457,000

NEW SECTION. **Sec. 3032. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Flagler - WW1 Historic Facilities Preservation (30000100)
Appropriation:
State Building Construction Account—State $3,217,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $3,823,000
TOTAL $7,040,000

NEW SECTION. **Sec. 3033. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Casey - Lighthouse Historic Preservation (30000109)

Appropriation:

State Building Construction Account—State $206,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $1,399,000
TOTAL $1,605,000

NEW SECTION. **Sec. 3034. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Simcoe - Historic Officers Quarters Renovation (30000155)

Appropriation:

State Building Construction Account—State $277,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $1,478,000
TOTAL $1,755,000

NEW SECTION. **Sec. 3035. FOR THE STATE PARKS AND RECREATION COMMISSION**

Lake Chelan State Park Moorage Dock Pile Replacement (30000416)

Appropriation:

State Building Construction Account—State $1,516,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,516,000

NEW SECTION. **Sec. 3036. FOR THE STATE PARKS AND RECREATION COMMISSION**

Marine Facilities - Various Locations Moorage Float Replacement (30000496)

Appropriation:

State Building Construction Account—State $541,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $10,639,000
TOTAL $11,180,000

NEW SECTION. **Sec. 3037. FOR THE STATE PARKS AND RECREATION COMMISSION**

Willapa Hills Trail Develop Safe Multi-Use Trail Crossing at SR 6 (30000519)

Appropriation:

State Building Construction Account—State $401,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $3,817,000
TOTAL $4,218,000

NEW SECTION. **Sec. 3038. FOR THE STATE PARKS AND RECREATION COMMISSION**

Beacon Rock Entrance Road Realignment (30000647)

Appropriation:

State Building Construction Account—State $348,000
Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs). $17,346,000
TOTAL $17,694,000

NEW SECTION. **Sec. 3039. FOR THE STATE PARKS AND RECREATION COMMISSION**
Goldendale Observatory - Expansion (30000709)
Appropriation:
State Building Construction Account—State $2,250,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs). $2,250,000
TOTAL $4,500,000

NEW SECTION. **Sec. 3040. FOR THE STATE PARKS AND RECREATION COMMISSION**
Kopachuck Day Use Development (30000820)
Appropriation:
State Building Construction Account—State $5,538,000
Prior Biennia (Expenditures) $296,000
Future Biennia (Projected Costs). $2,812,000
TOTAL $8,646,000

NEW SECTION. **Sec. 3041. FOR THE STATE PARKS AND RECREATION COMMISSION**
Clean Vessel Boating Pump-Out Grants (30000856)
Appropriation:
General Fund—Federal $2,600,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs). $10,400,000
TOTAL $13,000,000

NEW SECTION. **Sec. 3042. FOR THE STATE PARKS AND RECREATION COMMISSION**
Local Grant Authority (30000857)
Appropriation:
Parks Renewal and Stewardship Account—Private/Local $2,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs). $8,000,000
TOTAL $10,000,000

NEW SECTION. **Sec. 3043. FOR THE STATE PARKS AND RECREATION COMMISSION**
Federal Grant Authority (30000858)
Appropriation:
General Fund—Federal $750,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs). $3,000,000
TOTAL $3,750,000

NEW SECTION. **Sec. 3044. FOR THE STATE PARKS AND RECREATION COMMISSION**
Fort Worden - Replace Failing Sewer Lines (30000860)
Appropriation:
State Building Construction Account—State $2,204,000

Prior Biennia (Expenditures) $234,000
Future Biennia (Projected Costs) $0
TOTAL $2,438,000

NEW SECTION. **Sec. 3045. FOR THE STATE PARKS AND RECREATION COMMISSION**

Birch Bay - Replace Failing Bridge (30000876)

Appropriation:
State Building Construction Account—State $320,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $1,032,000
TOTAL $1,352,000

NEW SECTION. **Sec. 3046. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Worden - Pier & Marine Learning Center Improve or Replace (30000950)

Appropriation:
State Building Construction Account—State $697,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $9,072,000
TOTAL $9,769,000

NEW SECTION. **Sec. 3047. FOR THE STATE PARKS AND RECREATION COMMISSION**

Field Spring Replace Failed Sewage Syst and Non-ADA Comfort Station (30000951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a pilot program for new Firelight toilets. The commission may sole source for the equipment. The commission must operate and maintain the equipment for a minimum of two years and report annually to legislative fiscal committees on: (1) The ease of use by parks patrons and (2) the cost and time to maintain the equipment.

Appropriation:
State Building Construction Account—State $1,109,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,109,000

NEW SECTION. **Sec. 3048. FOR THE STATE PARKS AND RECREATION COMMISSION**

Mount Spokane - Maintenance Facility Relocation From Harms Way (30000959)

Appropriation:
State Building Construction Account—State $2,018,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,018,000

NEW SECTION. **Sec. 3049. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide - Depression Era Structures Restoration Assessment (30000966)
Appropriation:
State Building Construction Account—State $1,093,000
Prior Biennia (Expenditures) $121,000
Future Biennia (Projected Costs) $3,859,000
TOTAL $5,073,000

NEW SECTION. **Sec. 3050. FOR THE STATE PARKS AND RECREATION COMMISSION**
Ocean City - Replace Non-Compliant Comfort Stations (30000970)
Appropriation:
State Building Construction Account—State $1,526,000
Prior Biennia (Expenditures) $152,000
Future Biennia (Projected Costs) $0
TOTAL $1,678,000

NEW SECTION. **Sec. 3051. FOR THE STATE PARKS AND RECREATION COMMISSION**
Dash Point - Replace Bridge (Pedestrian) (30000972)
Appropriation:
State Building Construction Account—State $553,000
Prior Biennia (Expenditures) $165,000
Future Biennia (Projected Costs) $0
TOTAL $718,000

NEW SECTION. **Sec. 3052. FOR THE STATE PARKS AND RECREATION COMMISSION**
Parkland Acquisition (30000976)

The appropriation in this section is subject to the following conditions and limitations: The commission must grant access to the Iron Horse/John Wayne trail for any person who owns land adjacent to the trail and applies for access or easement for agricultural purposes. The commission may request twenty-four hour notice prior to any agricultural use for transporting goods or machinery along the length of the trail. No prior notice may be required of adjacent landowners to cross the trail. Access may not be unreasonably denied and must be granted within one month of application or within thirty days of the effective date of this section for applications previously submitted from landowners.

Appropriation:
Parkland Acquisition Account—State $2,000,000
Prior Biennia (Expenditures) $2,000,000
Future Biennia (Projected Costs) $8,000,000
TOTAL $12,000,000

NEW SECTION. **Sec. 3053. FOR THE STATE PARKS AND RECREATION COMMISSION**
Minor Works - Health and Safety (30000977)
Appropriation:
State Building Construction Account—State $1,049,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,049,000

NEW SECTION. **Sec. 3054. FOR THE STATE PARKS AND RECREATION COMMISSION**

Minor Works - Facilities and Infrastructure (30000978)

Appropriation:

State Building Construction Account—State $4,591,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $4,591,000

NEW SECTION. **Sec. 3055. FOR THE STATE PARKS AND RECREATION COMMISSION**

Minor Works - Program (30000979)

Appropriation:

State Building Construction Account—State $1,845,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,845,000

NEW SECTION. **Sec. 3056. FOR THE STATE PARKS AND RECREATION COMMISSION**

Moran Summit Learning Center - Interpretive Facility (30000980)

Appropriation:

State Building Construction Account—State $964,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $964,000

NEW SECTION. **Sec. 3057. FOR THE STATE PARKS AND RECREATION COMMISSION**

Penrose Point Sewer Improvements (30000981)

Appropriation:

State Building Construction Account—State $428,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $428,000

NEW SECTION. **Sec. 3058. FOR THE STATE PARKS AND RECREATION COMMISSION**

Palouse Falls Day Use Area Renovation (30000983)

Appropriation:

State Building Construction Account—State $209,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $4,359,000
TOTAL $4,568,000

NEW SECTION. **Sec. 3059. FOR THE STATE PARKS AND RECREATION COMMISSION**

Lake Sammamish Sunset Beach Picnic Area (30000984)

Appropriation:

State Building Construction Account—State $2,622,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,622,000

NEW SECTION. **Sec. 3060. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Water System Renovation (30001016)

Appropriation:

State Building Construction Account—State $475,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $4,996,000
TOTAL $5,471,000

NEW SECTION. **Sec. 3061. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Septic System Renovation (30001017)

Appropriation:

State Building Construction Account—State $238,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $5,016,000
TOTAL $5,254,000

NEW SECTION. **Sec. 3062. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Electrical System Renovation (30001018)

Appropriation:

State Building Construction Account—State $713,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $5,058,000
TOTAL $5,771,000

NEW SECTION. **Sec. 3063. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide New Park (30001019)

Appropriation:

State Building Construction Account—State $297,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $11,114,000
TOTAL $11,411,000

NEW SECTION. **Sec. 3064. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Trail Renovations (Footbridges) (30001021)

Appropriation:

State Building Construction Account—State $266,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $798,000
TOTAL $1,064,000

NEW SECTION. **Sec. 3065. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Worden Replace Failing Water Lines (30001022)

Appropriation:

State Building Construction Account—State $358,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $3,817,000
TOTAL $4,175,000

NEW SECTION. **Sec. 3066. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Facility and Infrastructure Backlog Reduction (30001031)

Appropriation:

State Building Construction Account—State $4,250,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $4,250,000

NEW SECTION. **Sec. 3067. FOR THE STATE PARKS AND RECREATION COMMISSION**

Steptoe Butte Road Improvements (30001076)

Appropriation:

State Building Construction Account—State $443,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $3,789,000
TOTAL $4,232,000

NEW SECTION. **Sec. 3068. FOR THE STATE PARKS AND RECREATION COMMISSION**

Cape Disappointment North Head Buildings and Ground Improvements (40000005)

Appropriation:

State Building Construction Account—State $2,560,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,560,000

NEW SECTION. **Sec. 3069. FOR THE STATE PARKS AND RECREATION COMMISSION**

St Edward State Park Environmental Learning Center (92000013)

The appropriation in this section is subject to the following conditions and limitations: $75,000 of the appropriation in this section is provided solely for a strategic plan to develop an environmental learning center at Saint Edward state park.

Appropriation:

State Building Construction Account—State $75,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $75,000

NEW SECTION. **Sec. 3070. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Funding Board Programs (30000408)

The appropriations in this section are subject to the following conditions and limitations:

(1) $170,000 of the state building construction account—state is provided solely to execute a Lean study to bring efficiencies to the project development and prioritization process, and this is the maximum amount the department may expend for this purpose.

(2) $2,400,000 of the state building construction account—state appropriation is provided solely for predesign planning grants for lead entities, and this is the maximum amount the department may expend for this purpose.

(3) $641,000 of the state building construction account—state appropriation is provided solely for predesign planning grants for regional fisheries enhancement groups, and this is the maximum amount the department may expend for this purpose.

Appropriation:

General Fund—Federal $50,000,000
State Building Construction Account—State $19,711,000
Subtotal Appropriation $69,711,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $320,000,000
TOTAL $389,711,000

NEW SECTION. **Sec. 3071. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2017-19 Washington Wildlife Recreation Grants (30000409)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the list of projects identified in LEAP capital document number 2017-42, developed July 20, 2017, and LEAP capital document 2018-6H, developed January 3, 2018.

Appropriation:

Outdoor Recreation Account—State $36,000,000
Farm and Forest Account—State $8,000,000
Habitat Conservation Account—State $36,000,000
Subtotal Appropriation $80,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $340,000,000
TOTAL $420,000,000

NEW SECTION. **Sec. 3072. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Boating Facilities Program (30000410)

The appropriations in this section are subject to the following conditions and limitations: $220,000 of the recreation resources account—state appropriation is provided solely for the Port of Garfield for the central ferry boat launch.

Appropriation:

Boating Activities Account—State $10,000
Recreation Resources Account—State $17,165,000
Subtotal Appropriation $17,175,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $68,800,000
TOTAL $85,975,000

NEW SECTION. **Sec. 3073. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Nonhighway Off-Road Vehicle Activities (30000411)
Appropriation:
NOVA Program Account—State $13,195,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $52,800,000
TOTAL $65,995,000

NEW SECTION. **Sec. 3074. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**
Youth Athletic Facilities (30000412)
Appropriation:
State Building Construction Account—State $4,077,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $16,000,000
TOTAL $20,077,000

NEW SECTION. **Sec. 3075. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**
Aquatic Lands Enhancement Account (30000413)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the Barnum Point waterfront.

Appropriation:
Aquatic Lands Enhancement Account—State $1,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,000,000

NEW SECTION. **Sec. 3076. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**
Puget Sound Acquisition and Restoration (30000414)
Appropriation:
State Building Construction Account—State $40,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $180,000,000
TOTAL $220,000,000

NEW SECTION. **Sec. 3077. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**
Puget Sound Estuary and Salmon Restoration Program (30000415)
Appropriation:
State Building Construction Account—State $8,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $40,000,000
TOTAL $48,000,000

NEW SECTION. **Sec. 3078. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**
Firearms and Archery Range Recreation (30000416)
Appropriation:
Firearms Range Account—State $813,000

Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $3,100,000
TOTAL $3,913,000

NEW SECTION. **Sec. 3079. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Recreational Trails Program (30000417)

Appropriation:
General Fund—Federal $5,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $20,000,000
TOTAL $25,000,000

NEW SECTION. **Sec. 3080. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Boating Infrastructure Grants (30000418)

Appropriation:
General Fund—Federal $2,200,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $8,800,000
TOTAL $11,000,000

NEW SECTION. **Sec. 3081. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Land and Water Conservation (30000419)

Appropriation:
General Fund—Federal $4,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $16,000,000
TOTAL $20,000,000

NEW SECTION. **Sec. 3082. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Washington Coastal Restoration Initiative (30000420)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the list of projects identified in LEAP capital document number 2017-4H, developed June 30, 2017.

(2) The board may retain a portion of the funds appropriated for this section for its office for the administration of the grants. The portion of the funds retained for administration may not exceed four and twelve one-hundredths percent of the appropriation.

Appropriation:
State Building Construction Account—State $12,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $45,000,000
TOTAL $57,500,000

NEW SECTION. **Sec. 3083. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Public Lands Inventory Update (30000422)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to update the public lands inventory with current information on state agency habitat and recreation land acquisitions and easements and to further develop the inventory to respond to the recommendations of the joint legislative audit and review committee for a single source of information about land acquisitions.

Appropriation:

State Building Construction Account—State $230,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $230,000

NEW SECTION. **Sec. 3084. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Family Forest Fish Passage Program (40000001)

Appropriation:

State Building Construction Account—State $5,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $5,000,000

NEW SECTION. **Sec. 3085. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Brian Abbott Fish Passage Barrier Removal Board (91000566)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the list of projects identified in LEAP capital document number 2017-5H, developed June 30, 2017.

(2) The board may retain a portion of the funds appropriated for this section for its office for the administration of the grants. The portion of the funds retained for administration may not exceed four and twelve one-hundredths percent of the appropriation.

Appropriation:

State Building Construction Account—State $19,747,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $40,000,000
TOTAL $59,747,000

Sec. 3086. 2017 3rd sp.s. c 4 s 3120 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Recreation and Conservation Office Recreation Grants (92000131)

The reappropriations in this section are subject to the following conditions and limitations: ((~~The appropriation in this section is provided solely to purchase replacement properties for Blanchard mountain trust lands core zone.~~))

(1) The reappropriations are subject to the provisions of section 3026, chapter 35, Laws of 2016 sp. sess.

(2) A maximum of $1,100,000 of unused funds in this reappropriation may be used for the willows road regional trail connect, without requiring matching resources.

(3) A maximum of $500,000 of unused funds in this reappropriation may be used for the Wilburton trestle section of the eastside rail corridor, without requiring matching resources.

Reappropriation:

Outdoor Recreation Account—State $4,108,000
State Building Construction Account—State $26,148,000
Subtotal Reappropriation $30,256,000
Prior Biennia (Expenditures) $4,525,000
Future Biennia (Projected Costs) $0
TOTAL $34,781,000

NEW SECTION. **Sec. 3087. FOR THE STATE CONSERVATION COMMISSION**

CREP Riparian Cost Share - State Match 2017-19 (91000009)

Appropriation:

State Building Construction Account—State $2,600,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $14,000,000
TOTAL $16,600,000

NEW SECTION. **Sec. 3088. FOR THE STATE CONSERVATION COMMISSION**

CREP Riparian Contract Funding 2017-19 (91000010)

Appropriation:

State Building Construction Account—State $2,300,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $16,028,000
TOTAL $18,328,000

NEW SECTION. **Sec. 3089. FOR THE STATE CONSERVATION COMMISSION**

Dairy Distillation Grants (92000010)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the commission to make competitive grants available for dairy nutrient projects assisting dairy owners to address impacts to soil, water, or air. The purpose of the funding is to test the technologies that can solve the potential environmental problems associated with the disposal of manure that is in excess of what can be effectively used in the growing of crops. The technology must:

(a) Pose no risk of pollution to soil, water, or air;

(b) Be cost effective; and

(c) Produce clean water that can be effectively used on dairy farms and/or solids which can either be marketed or disposed of without risk of the environment.

(2) The grants must fund at least one dairy nutrient management innovation project east of the crest of the Cascade mountains and one west of the crest of the Cascade mountains. The commission shall report about the challenges and

opportunities of the granted projects to the appropriate committees of the legislature at the conclusion of the last project or at least by December 1, 2020. The report should cover the acquisition, maintenance, and operating costs for the technology; how costs can be mitigated by any marketable byproducts, such as nitrogen, phosphorous, electricity, etc.; the cost of processing remaining materials to avoid contamination of soil, water, or air; and the ability to adapt the equipment for various size of dairies.

(3) When providing funding for specific technologies, the commission shall enter into appropriate agreements to support the state's interest in advancing innovation solutions to environmental issues while ensuring compliance with Article VIII, section 5 and Article XII, section 9 of the state Constitution.

Appropriation:

State Building Construction Account—State $4,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $4,000,000

NEW SECTION. **Sec. 3090. FOR THE STATE CONSERVATION COMMISSION**

Natural Resource Investment for the Economy & Environment 2017-19 (92000011)

The appropriation in this section is subject to the following conditions and limitations: Up to five percent of the appropriation provided in this section may be used by the conservation commission to acquire services of licensed engineers for project development, predesign and design services, and construction oversight for natural resource enhancement and conservation projects.

Appropriation:

General Fund—Federal $1,000,000
State Building Construction Account—State $4,000,000
Subtotal Appropriation $5,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $18,000,000
TOTAL $23,000,000

NEW SECTION. **Sec. 3091. FOR THE STATE CONSERVATION COMMISSION**

Improve Shellfish Growing Areas 2017-19 (92000012)

The appropriation in this section is subject to the following conditions and limitations: Up to five percent of the appropriation provided in this section may be used by the conservation commission to acquire services of licensed engineers for project development, predesign and design services, and construction oversight for natural resource enhancement and conservation projects.

Appropriation:

State Building Construction Account—State $4,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $20,000,000

TOTAL $24,000,000

NEW SECTION. **Sec. 3092. FOR THE STATE CONSERVATION COMMISSION**

Match for Federal RCPP Program 2017-19 (92000013)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state building construction account—state appropriation is provided solely for a state match to the United States department of agriculture regional conservation partnership.

(2) The commission will, to the greatest extent possible, leverage other state and local projects in funding the match and development of the regional conservation partnership program grant applications.

Appropriation:

State Building Construction Account—State $2,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $1,752,000
TOTAL $3,752,000

NEW SECTION. **Sec. 3093. FOR THE STATE CONSERVATION COMMISSION**

CREP PIP Loan Program 2017-19 (92000014)

Appropriation:

Conservation Assistance Revolving Account—State $50,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $200,000
TOTAL $250,000

NEW SECTION. **Sec. 3094. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

2017 3rd sp.s. c 4 s 3134 (uncodified) is repealed.

NEW SECTION. **Sec. 3095. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Migratory Waterfowl Habitat (20082045)

Appropriation:

State Wildlife Account—State $600,000
Prior Biennia (Expenditures) $1,680,000
Future Biennia (Projected Costs) $2,400,000
TOTAL $4,680,000

NEW SECTION. **Sec. 3096. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Eells Spring Hatchery Renovation (30000214)

Appropriation:

State Building Construction Account—State $1,400,000
Prior Biennia (Expenditures) $93,000
Future Biennia (Projected Costs) $7,410,000
TOTAL $8,903,000

NEW SECTION. **Sec. 3097. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Soos Creek Hatchery Renovation (30000661)

Reappropriation:
State Building Construction Account—State $11,699,000
Prior Biennia (Expenditures) $1,000
Future Biennia (Projected Costs) $0
TOTAL $11,700,000

NEW SECTION. **Sec. 3098. FOR THE DEPARTMENT OF FISH AND WILDLIFE**
Samish Hatchery Intakes (30000276)
Appropriation:
State Building Construction Account—State $350,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $4,547,000
TOTAL $4,897,000

NEW SECTION. **Sec. 3099. FOR THE DEPARTMENT OF FISH AND WILDLIFE**
Minter Hatchery Intakes (30000277)
Appropriation:
State Building Construction Account—State $6,500,000
Prior Biennia (Expenditures) $105,000
Future Biennia (Projected Costs) $2,167,000
TOTAL $8,772,000

NEW SECTION. **Sec. 3100. FOR THE DEPARTMENT OF FISH AND WILDLIFE**
Wooten Wildlife Area Improve Flood Plain (30000481)
Appropriation:
General Fund—Federal $500,000
State Building Construction Account—State $1,000,000
Subtotal Appropriation $1,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $14,584,000
TOTAL $16,084,000

NEW SECTION. **Sec. 3101. FOR THE DEPARTMENT OF FISH AND WILDLIFE**
Wallace River Hatchery - Replace Intakes and Ponds (30000660)
Appropriation:
State Building Construction Account—State $2,001,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $13,000,000
TOTAL $15,001,000

NEW SECTION. **Sec. 3102. FOR THE DEPARTMENT OF FISH AND WILDLIFE**
Cooperative Elk Damage Fencing (30000662)
Appropriation:
State Building Construction Account—State $1,200,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,200,000

NEW SECTION. **Sec. 3103. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Hazard Fuel Reductions, Forest Health and Ecosystem Improvement (30000665)

Appropriation:

State Building Construction Account—State $5,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $20,000,000
TOTAL $25,000,000

NEW SECTION. **Sec. 3104. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Naselle Hatchery Renovation (30000671)

Appropriation:

State Building Construction Account—State $8,000,000
Prior Biennia (Expenditures) $132,000
Future Biennia (Projected Costs) $15,673,000
TOTAL $23,805,000

NEW SECTION. **Sec. 3105. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Hoodsport Hatchery Adult Pond Renovation (30000686)

Appropriation:

State Building Construction Account—State $4,756,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $4,756,000

NEW SECTION. **Sec. 3106. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works Preservation (30000756)

Appropriation:

State Building Construction Account—State $9,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $9,500,000

NEW SECTION. **Sec. 3107. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Programmatic (30000782)

Appropriation:

State Building Construction Account—State $2,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,000,000

NEW SECTION. **Sec. 3108. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Snow Creek Reconstruct Facility (30000826)

The appropriation in this section is subject to the following conditions and limitations: The department must submit the completed feasibility study report to the office of financial management and the legislature by October 1, 2018.

Appropriation:
State Building Construction Account—State $100,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $3,660,000
TOTAL $3,760,000

NEW SECTION. **Sec. 3109. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Forks Creek Hatchery - Renovate Intake and Diversion (30000827)

Appropriation:
State Building Construction Account—State $2,425,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,425,000

NEW SECTION. **Sec. 3110. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Dungeness Hatchery - Replace Main Intake (30000844)

Appropriation:
State Building Construction Account—State $615,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $2,921,000
TOTAL $3,536,000

NEW SECTION. **Sec. 3111. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

PSNERP Match (30000846)

Appropriation:
General Fund—Federal $1,000,000
State Building Construction Account—State $500,000
Subtotal Appropriation $1,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $428,676,000
TOTAL $430,176,000

NEW SECTION. **Sec. 3112. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Kalama Falls Hatchery Replace Raceways and P A System (30000848)

Appropriation:
State Building Construction Account—State $816,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $6,463,000
TOTAL $7,279,000

NEW SECTION. **Sec. 3113. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Lake Rufus Woods Fishing Access (91000151)

Appropriation:
State Building Construction Account—State $1,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,000,000

NEW SECTION. **Sec. 3114. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Clarks Creek Hatchery Rebuild (92000038)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely to rebuild the Clarks creek (Puyallup) hatchery and fulfill Washington department of transportation mitigation requirements as agreed to with the Puyallup Indian nation for the widening of Interstate 5. The new hatchery must be devoted to salmon production. The department must relocate trout production to other hatcheries.

Appropriation:

State Building Construction Account—State $11,420,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $11,420,000

NEW SECTION. **Sec. 3115. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Mitigation Projects and Dedicated Funding 2017-19 (92000048)

Appropriation:

General Fund—Federal $10,000,000
General Fund—Private/Local $1,000,000
Special Wildlife Account—Federal $1,000,000
Special Wildlife Account—Private/Local $1,000,000
State Wildlife Account—State $500,000
Subtotal Appropriation $13,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $54,000,000
TOTAL $67,500,000

NEW SECTION. **Sec. 3116. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Road Maintenance and Abandonment Plan (RMAP) (30000261)

Appropriation:

State Building Construction Account—State $2,302,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $13,000,000
TOTAL $15,302,000

NEW SECTION. **Sec. 3117. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Fire Communications Base Stations & Mountain Top Repeaters (30000262)

Appropriation:

State Building Construction Account—State $1,320,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $2,640,000
TOTAL $3,960,000

NEW SECTION. **Sec. 3118. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Sustainable Recreation (30000263)

Appropriation:

State Building Construction Account—State $2,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $25,200,000
TOTAL $27,700,000

NEW SECTION. **Sec. 3119. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Trust Land Replacement (30000264)

Appropriation:

Resources Management Cost Account—State $30,000,000
Natural Resources Real Property Replacement—State $30,000,000
Community and Technical College Forest Reserve Account—State $1,000,000
Subtotal Appropriation $61,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $61,000,000

NEW SECTION. **Sec. 3120. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Natural Areas Facilities Preservation and Access (30000266)

Appropriation:

State Building Construction Account—State $2,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $8,000,000
TOTAL $10,000,000

NEW SECTION. **Sec. 3121. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Puget SoundCorps (30000267)

Appropriation:

State Building Construction Account—State $5,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $20,000,000
TOTAL $25,000,000

NEW SECTION. **Sec. 3122. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Trust Land Transfer Program (30000269)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to the department of natural resources to transfer from trust status certain trust lands of statewide significance deemed appropriate for state parks, fish and wildlife habitats, natural area preserves, natural resources conservation areas, department of natural resources community forest open spaces, or recreation purposes. The approved property for transfer is identified in the LEAP capital document no. 2017-2H, developed June 30, 2017.

(2) Property transferred under this section must be appraised and transferred at fair market value. By September 30, 2018, the department must deposit in the common school construction account the portion of the appropriation in this

section that represents the estimated value of the timber on the transferred properties. This transfer must be made in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The portion of the appropriation in this section that represents the value of the land transferred must be deposited in the natural resources real property replacement account.

(3) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs, and may not exceed one and nine-tenths percent of the appropriation.

(4) By June 30, 2018, land within the common school trust shall be exchanged for land of equal value held for other trust beneficiaries of the property identified in subsection (1) of this section.

(5) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Fee transfer agreements for properties identified in subsection (1) of this section must include terms that perpetually restrict the use of the property to the intended purpose. Transfer agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the originally intended public purpose and the department and legislature approves such uses.

(6) The department shall work in good faith to carry out the intent of this section.

(7) By June 30, 2019, the state treasurer shall transfer to the common school construction account any unexpended balance of the appropriation in this section.

Appropriation:

State Building Construction Account—State $10,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $10,000,000

NEW SECTION. **Sec. 3123. FOR THE DEPARTMENT OF NATURAL RESOURCES**

State Forest Land Replacement (30000277)

The appropriation in this section is subject to the following conditions and limitations:

(1) $60,000 of the appropriation is provided solely for the department to assess options to replace timber trust revenues for counties with populations of twenty-five thousand or fewer that are subject to timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act. The department must consult with the qualifying counties and other stakeholders in conducting the assessment. The department shall report the findings of its assessment, including recommendations for addressing decreased revenues from state forestlands and improving the forest products economy in the qualifying counties, by December 15, 2018.

(2)(a) The remaining portion of the appropriation is provided solely to the department to transfer from state forestland status to natural resources conservation area status certain state forestlands in counties:

(i) With a population of twenty-five thousand or fewer; and

(ii) With risks of timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act.

(b) This appropriation must be used equally for the transfer of qualifying state forestlands in the qualifying counties.

(3) Property transferred under this section must be appraised and transferred at fair market value, without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act. The value of the timber and other valuable materials transferred must be distributed as provided in RCW 79.64.110. The value of the land transferred must be deposited in the park land trust revolving account and be used solely to buy replacement state forestland, consistent with RCW 79.22.060.

(4) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (2) of this section. Transfer agreements for properties identified in subsection (2) of this section must include terms that restrict the use of the property to the intended purpose.

(5) The department and applicable counties shall work in good faith to carry out the intent of this section. The department will identify eligible properties for transfer, consistent with subsections (2) and (3) of this section, in consultation with the applicable counties, and will not execute any property transfers that are not in the statewide interest of either the state forest trust or the natural resources conservation area program.

Appropriation:

State Building Construction Account—State $3,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $3,000,000

NEW SECTION. **Sec. 3124. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2017-2019 Minor Works Preservation (30000278)

Appropriation:

State Building Construction Account—State $3,800,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $3,800,000

NEW SECTION. **Sec. 3125. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Forestry Riparian Easement Program (FREP) (30000279)

Appropriation:

State Building Construction Account—State $3,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $27,000,000

TOTAL $30,500,000

NEW SECTION. **Sec. 3126. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Rivers and Habitat Open Space Program (RHOSP) (30000284)

Appropriation:

State Building Construction Account—State $1,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $14,400,000
TOTAL $15,400,000

NEW SECTION. **Sec. 3127. FOR THE DEPARTMENT OF NATURAL RESOURCES**

2017-2019 Minor Works Programmatic (30000287)

Appropriation:

State Building Construction Account—State $1,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $2,990,000
TOTAL $3,990,000

NEW SECTION. **Sec. 3128. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Teanaway Working Forest (30000289)

Appropriation:

State Building Construction Account—State $1,481,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,481,000

NEW SECTION. **Sec. 3129. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Forest Hazard Reduction (30000290)

The appropriation in this section is subject to the following conditions and limitations:

(1) $10,300,000 is provided solely to: Reduce hazards to public safety; establish new firewise communities; implement forest health treatments, prioritized pursuant to chapter 76.06 RCW as amended in chapter 95, Laws of 2017 and chapter 248, Laws of 2017, on state lands and state forestlands, high-risk private lands, and federal lands, including implementation of the "good neighbor" agreement signed with the United States forest service and "good neighbor" cross boundary competitive grants to forest collaboratives; and implement at least one controlled burning treatment project.

(2) $1,000,000 is provided solely to administer the forest health treatments pursuant to subsection (1) of this section with the following conditions and limitations:

(a) The department must contract with the Washington conservation corps, to include veterans, to provide forest health treatments that may include providing thinning, pruning, and brush disposal, and other firewise services; and

(b) The department must work in conjunction with communities, counties, fire districts, and conservation districts in implementing firewise activities.

(3) $250,000 is provided solely for the forest collaborative infrastructure pilot, which will provide contract services, such as technical analysis, facilitation, and logistical support.

(4) $1,000,000 is provided solely for state trust land reforestation in wildfire-damaged areas.

(5) $450,000 is provided solely for implementation of chapter 248, Laws of 2017 (prioritizing lands to receive forest health treatments).

Appropriation:

State Building Construction Account—State $13,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $78,000,000
TOTAL $91,000,000

NEW SECTION. **Sec. 3130. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Federal ESA Mitigation Grants (91000087)

Appropriation:

General Fund—Federal $5,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $5,000,000

NEW SECTION. **Sec. 3131. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Statewide Stormwater & Impervious Surface Study (91000088)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department, in consultation with the Washington State University-Puyallup research and extension center, to conduct a statewide stormwater and impervious surface study of its facilities. The department shall report its findings and recommendations, including a statewide strategy to mitigate impacts of stormwater and impervious surfaces of its facilities in the most cost-effective manner, by October 1, 2018.

Appropriation:

State Building Construction Account—State $250,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $250,000

NEW SECTION. **Sec. 3132. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Public School Seismic Safety Assessment (91000091)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department, in consultation with the office of emergency management, the office of the superintendent of public instruction, and the state board of education, shall develop a prioritized seismic risk assessment that includes seismic safety surveys of public facilities that are subject to high seismic risk as a consequence of high earthquake hazard and soils that amplify

that hazard. The seismic safety surveys must be conducted for the following types of public facilities in the following order:

(a) Facilities that have a capacity of two hundred fifty or more persons and are routinely used for student activities by kindergarten through twelfth grade public schools; and

(b) Fire stations located within a one-mile radius of a facility described in subsection (1)(a) of this section.

(2) The initial phase of the prioritized seismic needs assessment of the facilities specified in subsections (1)(a) and (b) shall include, but is not limited to, the following:

(a) An on-site assessment, under the supervision of licensed geologists, of the seismic site class of the soils at the facilities;

(b) An on-site inspection of the facility buildings, including structural systems using structural plans where available, condition, maintenance, and nonstructural seismic hazards following standardized methods by licensed structural engineers;

(c) An estimate of costs to retrofit facilities specified in subsection (1)(a) of this section to life safety standards as defined by the American society of civil engineers; and

(d) An estimate of costs to retrofit facilities specified in subsection (1)(b) of this section to immediate occupancy standards as defined by the American society of civil engineers.

(3) The department shall develop geographic information system databases of survey data and must share that data with the governor, the superintendent of public instruction, and the appropriate legislative committees.

(4) The statewide seismic needs assessment specified in this section shall be submitted to the office of financial management and the appropriate committees of the legislature by October 1, 2018.

Appropriation:

State Building Construction Account—State $1,200,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,200,000

NEW SECTION. **Sec. 3133. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Forest Legacy 2017-19 (92000032)

Appropriation:

General Fund—Federal $15,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $60,000,000
TOTAL $75,000,000

NEW SECTION. **Sec. 3134. FOR THE DEPARTMENT OF AGRICULTURE**

Craft Brewing and Distilling Center (91000006)

Appropriation:

State Building Construction Account—State $500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0

TOTAL $500,000

NEW SECTION. **Sec. 3135. FOR THE DEPARTMENT OF AGRICULTURE**

Grants to Improve Safety and Access at Fairs (92000003)

Appropriation:

State Building Construction Account—State $2,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,000,000

PART 4
TRANSPORTATION

NEW SECTION. **Sec. 4001. FOR THE WASHINGTON STATE PATROL**

Fire Training Academy Stormwater Remediation (30000030)

Appropriation:

Fire Service Training Account—State $3,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $3,000,000

NEW SECTION. **Sec. 4002. FOR THE DEPARTMENT OF TRANSPORTATION**

Aviation Revitalization Loans (92000003)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for deposit into the public use general aviation airport loan revolving account created in section 7028 of this act for direct loans to political subdivisions of the state and privately owned airports for the purpose of improvements at public use airports that primarily support general aviation activities.

(2) The department must convene a community aviation revitalization board to develop criteria for selecting loan recipients, to develop a process for evaluating applications, and to make decisions. The board must consist of the capital budget chair and ranking minority member of the capital budget committee of the house of representatives and the senate ways and means committee, and a representative from both the department of transportation's aviation division and the department of commerce. The board must also consist of the following members appointed by the secretary of transportation: One port district official, one county official, one city official, one representative of airport managers, and one representative of pilots. The chair of the board must be selected by the secretary of transportation. The members of the board must elect one of their members to serve as vice chair. The director of commerce and the secretary of transportation must serve as nonvoting advisory members of the board.

(3) The board may provide loans to privately owned airports for the purpose of airport improvements only if the state is receiving commensurate public benefit, such as guaranteed long-term public access to the airport as a condition of the loan. For purposes of this subsection, "public use airports that primarily

support general aviation activities" means all public use airports not listed as having more than fifty thousand annual commercial air service passenger enplanements as published by the federal aviation administration.

(4) An application for loan funds under this section must be made in the form and manner as the board may prescribe. When evaluating loan applications, the board must prioritize applications that provide conclusive justification that completion of the loan application project will create revenue-generating opportunities. The board is not limited to, but must also use, the following expected outcome conditions when evaluating loan applications:

(a) A specific private development or expansion is ready to occur and will occur only if the aviation facility improvement is made;

(b) The loan application project results in the creation of jobs or private sector capital investment as determined by the board;

(c) The loan application project improves opportunities for the successful maintenance, operation, or expansion of an airport or adjacent airport business park;

(d) The loan application project results in the creation or retention of long-term economic opportunities; and

(e) The loan application project results in leveraging additional federal funding for an airport.

(5) The repayment of any loan made from the public use general aviation airport loan revolving account under the contracts for aviation loans must be paid into the public use general aviation airport loan revolving account.

Appropriation:

State Taxable Building Construction Account—State. $5,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs). $0
TOTAL $5,000,000

PART 5
EDUCATION

NEW SECTION. **Sec. 5001. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Emergency Repairs and Equal Access Grants for K-12 Public Schools (30000182)

The appropriations in this section are subject to the following conditions and limitations:

(1) $2,000,000 of the common school construction account—state appropriation is provided solely for emergency repair grants to address unexpected and imminent health and safety hazards at K-12 public schools, including skill centers, that will impact the day-to-day operations of the school facility, and this is the maximum amount that may be spent for this purpose. For emergency repair grants only, an emergency declaration must be signed by the school district board of directors and submitted to the superintendent of public instruction for consideration. The emergency declaration must include a description of the imminent health and safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of local funding to be applied to the project. Grants of emergency repair moneys must be conditioned upon the written commitment and plan of the

school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable.

(2) $3,000,000 of the state building construction account—state appropriation is provided solely for urgent repair grants to address non-reoccurring urgent small repair projects at K-12 public schools, excluding skill centers, that could impact the health and safety of students and staff if not completed, and this is the maximum amount that may be spent for this purpose. The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts, shall develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include, but are not limited to, the following: (a) Limiting school districts to one grant, not to exceed $200,000, per three-year period; (b) prioritizing applications based on limited school district financial resources for the project; and (c) requiring any district receiving funding provided in this section to demonstrate a consistent commitment to addressing school facility needs. The grant applications must include a comprehensive description of the health and safety issues to be addressed, a detailed description of the remedy including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Grants may be used for, but are not limited to: Repair or replacement of failing building systems; abatement of potentially hazardous materials; and safety-related structural improvements.

(3) $1,000,000 of the state building construction account—state appropriation is provided solely for equal access grants for facility repairs and alterations at K-12 public schools, including skills centers, to improve compliance with the Americans with disabilities act and individuals with disabilities education act, and this is the maximum amount that may be spent for this purpose. The superintendent of public instruction shall develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include, but are not limited to, the following: (a) Limiting districts to one grant, not to exceed $100,000, per three-year period; (b) prioritizing applications based on limited school district financial resources for the project; and (c) requiring recipient districts to demonstrate a consistent commitment to addressing school facility needs. The grant applications must include a description of the Americans with disabilities act or individuals with disabilities education act compliance deficiency, a comprehensive description of the facility accessibility issues to be addressed, a detailed description of the remedy including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Priority for grant funding must be given to school districts that demonstrate a lack of capital resources to address the compliance deficiencies outlined in the grant application.

(4) The superintendent of public instruction must notify the office of financial management, the legislative evaluation and accountability program committee, the house capital budget committee, and the senate ways and means committee as projects described in subsection (1) of this section are approved for funding.

Appropriation:

State Building Construction Account—State $4,000,000

Common School Construction Account—State $2,000,000
Subtotal Appropriation $6,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $30,000,000
TOTAL $36,000,000

NEW SECTION. **Sec. 5002. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Healthy Kids/Healthy Schools (30000184)

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts and the department of health, shall develop criteria for providing funding for specific projects that are consistent with the healthiest next generation priorities. The criteria must include, but are not limited to, the following:

(a) Districts or schools may apply for grants but no single district may receive more than $200,000 of the appropriation;

(b) Any district receiving funding provided in this section must demonstrate a consistent commitment to addressing school facilities' needs; and

(c) Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program must be prioritized.

(2) A maximum of $1,000,000 of the appropriation may be used for the replacement of lead-contaminated drinking water fixtures.

(3) A maximum of $1,000,000 of the appropriation may be used to purchase equipment or make repairs related to improving children's physical health and may include, but is not limited to: Fitness playground equipment, covered play areas, and physical education equipment or related structures or renovation.

(4) A maximum of $250,000 of the appropriation may be used to purchase equipment or make repairs related to improving children's awareness and participation in sustaining efficient schools and may include, but is not limited to: Dashboards that display energy savings, composting systems, and recycling stations.

(5) The remaining portion of the appropriation is provided solely to purchase equipment or make repairs related to improving children's nutrition and may include, but is not limited to: Garden related structures and greenhouses to provide students access to fresh produce, and kitchen equipment or upgrades.

Appropriation:

Common School Construction Account—State $3,250,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $24,000,000
TOTAL $27,250,000

NEW SECTION. **Sec. 5003. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Skill Centers - Minor Works (30000187)

Appropriation:

School Construction and Skill Centers Building
Account—State $3,000,000
Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs). $0
TOTAL $3,000,000

NEW SECTION. **Sec. 5004. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Tri-Tech Skill Center - Core Growth (30000197)

The appropriation in this section is subject to the following conditions and limitations: This project must undergo a budget evaluation study, using a budget evaluation study team approach incorporating value engineering techniques. Funds from the project appropriation must be used by the office of financial management through an interagency agreement with the office of the superintendent of public instruction to cover the cost of the study.

Appropriation:
State Building Construction Account—State $10,807,000
Prior Biennia (Expenditures). $0
Future Biennia (Projected Costs). $0
TOTAL $10,807,000

NEW SECTION. **Sec. 5005. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

STEM Classrooms and Labs (30000203)

The appropriation in this section is subject to the following conditions and limitations:

(1) $2,800,000 of the appropriation is provided solely for the Federal Way school district to merge STEM facilities.

(2) $200,000 of the appropriation is provided solely for the contract with the statewide STEM organization described in subsection (5) of this section.

(3) The remaining portion of the appropriation in this section is provided solely for the superintendent of public instruction to provide STEM classrooms and labs grants to school districts for public school facilities serving students in grades nine through twelve, or any combination thereof, to construct classrooms, or labs, as additions to existing school buildings or to modernize specialized STEM facilities.

(4) The superintendent shall award grants to school districts under the following conditions:

(a) Districts eligible to receive STEM classrooms and labs grants include:

(i) Districts that demonstrate a lack of sufficient space of STEM classrooms or labs to provide opportunities for students to meet statutory graduation requirements;

(ii) Districts that demonstrate that their current STEM classrooms or labs are insufficient to provide opportunities for students to meet statutory graduation requirements;

(iii) Districts that have not received state capital funding assistance in the previous ten years for the STEM classrooms or labs project proposals; and

(iv) Districts that have secured private donations of cash, like-kind, or equipment in a value of no less than $100,000. Prior to receiving grant funding, the district must provide verification of the donation to the superintendent within ninety days of notification of grant award.

(b) Allowable project costs under the grant program include design, renovation, or modernization of existing science labs or classrooms; project management costs; furnishings, fixtures, and equipment; and necessary utility and information technology systems upgrades to support specialized STEM facilities.

(c) At least one grant award is made to school districts located in southwest Washington;

(d) At least one grant award is made to school districts located in the Puget Sound region; and

(e) At least two grant awards are made to school districts located east of the crest of the Cascade mountain range.

(5) The STEM classrooms and labs grants program must be administered by the superintendent of public instruction in consultation with the STEM education innovation alliance specified in RCW 28A.188.030 and the statewide STEM organization specified in RCW 28A.188.050. The superintendent of public instruction must develop grant application materials and criteria in consultation with the statewide STEM organization, must review applications for accuracy and financial reasonableness, and must administer awarded grants. With funding specifically appropriated for this purpose, the superintendent of public instruction must contract with the statewide STEM organization specified in RCW 28A.188.050 to evaluate applications against the criteria developed for the program and develop a single prioritized list. The superintendent of public instruction must award grants within the appropriated funding and may depart from the recommended prioritized list only after consulting with the office of financial management and the appropriate committees of the legislature. The criteria must include, but are not limited to, the following:

(a) Priority for school districts that have experienced decreased enrollments of more than ten percent over the previous five year period due to interdistrict transfers to schools with STEM facilities constructed or modernized in that same period of time;

(b) Priority for applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program;

(c) Economic conditions within the school district that limits their ability to finance the modernization of STEM classrooms and labs from local funding sources;

(d) Educational benefits of proposed projects;

(e) Age and condition of existing STEM classroom and lab space, if applicable;

(f) The extent that existing STEM facilities are inadequate including the lack of adequate STEM facilities to meet graduation requirements in RCW 28A.150.220;

(g) Financial reasonableness based on total project cost per square foot; and

(h) Demonstration of readiness to proceed that may include, but is not limited to:

(i) A demonstration that existing STEM faculty are in place and are qualified to deliver an interactive, project-based STEM curriculum in the proposed specialized STEM facilities; or

(ii) A plan and budget in place to recruit or train such STEM faculty.

(6) For purposes of grant applications made in the 2017-2019 biennium, additional square footage funded through this grant program is excluded from the school district's inventory of available educational space for determining eligibility for state assistance for new construction until the earlier of:

(a) Five years following acceptance of the project by the school district board of directors; or

(b) The date of the final review of the latest study and survey of the affected school district following acceptance of the project by the school district board of directors.

(7) Each school district is limited to one grant award, which may be used for more than one school facility within the district, of no more than $2,000,000.

(8) The office of the superintendent of public instruction may charge fees consistent with capital budget guidelines established by the office of financial management for administering the grants.

(9) The superintendent of public instruction must report to the appropriate committees of the legislature and the office of financial management on the timing and use of the funds by the end of each fiscal year, until the funds are fully expended.

Appropriation:

State Building Construction Account—State $13,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $80,000,000
TOTAL $93,000,000

NEW SECTION. **Sec. 5006. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2017-19 School Construction Assistance Program (40000003)

The appropriations in this section are subject to the following conditions and limitations: $1,005,000 of the common school construction account—state appropriation is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

Appropriation:

State Building Construction Account—State $672,423,000
Common School Construction Account—State $255,581,000
Common School Construction Account—Federal $3,000,000
School Construction and Skill Centers Building Account—State $1,559,000
Subtotal Appropriation $932,563,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $5,136,856,000
TOTAL $6,069,419,000

NEW SECTION. **Sec. 5007. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Capital Program Administration (40000007)

Appropriation:

Common School Construction Account—State $3,600,000
Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs). $13,097,000
TOTAL $16,697,000

NEW SECTION. **Sec. 5008. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Career and Technical Education Equipment Grants (91000408)

The appropriation in this section is subject to the following conditions and limitations:

(1) $72,000 of the appropriation is provided solely for the Bellevue school district for career and technical education equipment.

(2) $50,000 of the appropriation is provided solely for the Issaquah school district for career and technical education equipment.

(3) $30,000 of the appropriation is provided solely for the Elma school district for career and technical education equipment.

(4) The remaining portion of the appropriation in this section is provided solely for the superintendent of public instruction to provide career and technical education equipment grants to school districts. The office of the superintendent of public instruction, after consulting with school districts and the workforce training and education coordinating board, shall develop criteria for providing funding and outcomes for specific projects to stay within the appropriation level provided in this section consistent with the following priorities. The criteria must include, but are not limited to, the following:

(a) Districts or schools must demonstrate that the request provides necessary equipment to deliver career and technical education;

(b) Districts or schools must demonstrate a consistent commitment to maintaining school facilities and equipment by participating in the asset preservation program administered by the office of the superintendent of public instruction; and

(c) Prioritizing applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program.

(5) The superintendent must award grants to applicants on a first-come, first-serve basis if the district or school demonstrates that the request meets the criteria set by the office of superintendent of public instruction as described in subsection (4) of this section and the site is prepared to receive the equipment.

(6) No single district may receive more than $100,000 of the appropriation.

Appropriation:

Common School Construction Account—State $1,000,000
Prior Biennia (Expenditures). $0
Future Biennia (Projected Costs). $0
TOTAL $1,000,000

NEW SECTION. **Sec. 5009. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Small Rural District Modernization Grants (92000040)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for grants to assist small, rural school districts with total enrollments of one thousand students or less, with school facilities with significant building systems deficiencies, and with such

low property values that replacing or modernizing the school facility through the school construction assistance program would present an extraordinary tax burden on property owners or would exceed allowable debt for the district.

(2) $11,198,000 of the appropriation is provided solely for projects in small rural districts where the school facility does not need to be replaced or require an extensive modernization, but does have significant building system deficiencies. Grants may not exceed $5,000,000. The office of the superintendent of public instruction shall prepare an expedited grant application process in selecting the grant recipients funded by this subsection.

(3) $23,802,000 of the appropriation is provided solely for the following projects:

Mount Adams School District $14,277,000
South Bend School District $7,712,000
Lopez Island School District $1,813,000

Appropriation:

State Building Construction Account—State $35,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $35,000,000

NEW SECTION. **Sec. 5010. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Distressed Schools (92000041)

The appropriation in this section is subject to the following conditions and limitations:

(1) $19,586,000 of the appropriation in this section is provided solely for Seattle public schools to address challenges related to extraordinary growth and to maintain and repair existing buildings.

(2) $1,100,000 of the appropriation in this section is provided solely for the Black Diamond elementary school.

(3) $500,000 of the appropriation in this section is provided solely for maintenance to improve the health and environment for students and staff at the Eckstein middle school in Seattle.

Appropriation:

State Building Construction Account—State $21,186,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $21,186,000

NEW SECTION. **Sec. 5011. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Agricultural Science in Schools Grant to FFA Foundation (92000122)

Appropriation:

State Building Construction Account—State $1,750,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,750,000

NEW SECTION. **Sec. 5012. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Everett Pathways to Medical Education (92000123)

Appropriation:
State Building Construction Account—State $2,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,000,000

NEW SECTION. **Sec. 5013. FOR THE STATE SCHOOL FOR THE BLIND**

2017-19 Campus Preservation (30000100)
Appropriation:
State Building Construction Account—State $570,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $2,755,000
TOTAL $3,325,000

NEW SECTION. **Sec. 5014. FOR THE STATE SCHOOL FOR THE BLIND**

Independent Living Skills Center (30000107)
Appropriation:
State Building Construction Account—State $50,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $50,000

NEW SECTION. **Sec. 5015. FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

2017-19 Minor Public Works (30000029)
Appropriation:
State Building Construction Account—State $307,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $4,000,000
TOTAL $4,307,000

NEW SECTION. **Sec. 5016. FOR THE UNIVERSITY OF WASHINGTON**

Burke Museum (20082850)
Appropriation:
State Building Construction Account—State $24,200,000
Prior Biennia (Expenditures) $29,800,000
Future Biennia (Projected Costs) $0
TOTAL $54,000,000

NEW SECTION. **Sec. 5017. FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma (20102002)
Appropriation:
State Building Construction Account—State $500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $29,500,000
TOTAL $30,000,000

NEW SECTION. **Sec. 5018. FOR THE UNIVERSITY OF WASHINGTON**

UW Bothell (30000378)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for predesign, which may also serve as bridging documents, design, competition honoraria, project management, and other planning activities including permits.

(2) Criteria for selecting the design-build contractor must include life cycle costs, energy costs, or energy use index. Contractors and architectural and engineering firms may be eligible for additional points during the scoring process if they have experience with the state agency, or if they are considered a small business.

(3) The building must be built using sustainable building standards as defined in section 7009 of this act.

Appropriation:

State Building Construction Account—State $3,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $51,000,000
TOTAL $54,000,000

NEW SECTION. **Sec. 5019. FOR THE UNIVERSITY OF WASHINGTON**

Health Sciences Education - T-Wing Renovation/Addition (30000486)

Appropriation:

State Building Construction Account—State $10,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $50,000,000
TOTAL $60,000,000

NEW SECTION. **Sec. 5020. FOR THE UNIVERSITY OF WASHINGTON**

2017-19 Minor Works - Preservation (30000736)

Appropriation:

University of Washington Building Account—State $30,475,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $304,108,000
TOTAL $334,583,000

NEW SECTION. **Sec. 5021. FOR THE UNIVERSITY OF WASHINGTON**

UW Major Infrastructure (30000808)

Appropriation:

University of Washington Building Account—State $14,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $30,000,000
TOTAL $44,500,000

NEW SECTION. **Sec. 5022. FOR THE UNIVERSITY OF WASHINGTON**

Evans School - Parrington Hall Renovation (30000810)

Appropriation:

State Building Construction Account—State $10,000,000

Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $10,000,000

NEW SECTION. **Sec. 5023. FOR THE UNIVERSITY OF WASHINGTON**

Population Health Sciences Building (30000811)

Appropriation:
State Building Construction Account—State $15,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $15,000,000

NEW SECTION. **Sec. 5024. FOR THE UNIVERSITY OF WASHINGTON**

Ctr for Advanced Materials and Clean Energy Research Test Beds (91000016)

Appropriation:
State Building Construction Account—State $20,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $20,000,000

NEW SECTION. **Sec. 5025. FOR THE UNIVERSITY OF WASHINGTON**

Preventive Facility Maintenance and Building System Repairs (91000019)

Appropriation:
University of Washington Building Account—State. $25,825,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $103,300,000
TOTAL $129,125,000

NEW SECTION. **Sec. 5026. FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma Campus Soil Remediation (92000002)

Appropriation:
State Toxics Control Account—State $1,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $8,500,000
TOTAL $9,500,000

NEW SECTION. **Sec. 5027. FOR THE WASHINGTON STATE UNIVERSITY**

Washington State University Pullman - Plant Sciences Building (REC#5) (30000519)

Appropriation:
State Building Construction Account—State $52,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $52,000,000

NEW SECTION. **Sec. 5028. FOR THE WASHINGTON STATE UNIVERSITY**

Washington State University Vancouver - Life Sciences Building (30000840)
Appropriation:
Washington State University Building Account—State $500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $58,500,000
TOTAL $59,000,000

NEW SECTION. **Sec. 5029. FOR THE WASHINGTON STATE UNIVERSITY**
Washington State University Tri-Cities - Academic Building (30001190)
Appropriation:
State Building Construction Account—State $3,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $27,000,000
TOTAL $30,000,000

NEW SECTION. **Sec. 5030. FOR THE WASHINGTON STATE UNIVERSITY**
Global Animal Health Building (30001322)
Appropriation:
State Building Construction Account—State $23,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $36,400,000
TOTAL $59,400,000

NEW SECTION. **Sec. 5031. FOR THE WASHINGTON STATE UNIVERSITY**
Washington State University Pullman - STEM Teaching Labs (30001326)
Appropriation:
Washington State University Building Account—State $1,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $19,600,000
TOTAL $20,600,000

NEW SECTION. **Sec. 5032. FOR THE WASHINGTON STATE UNIVERSITY**
2017-19 Minor Works - Preservation (MCR) (30001342)
Appropriation:
Washington State University Building Account—State $22,295,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $22,295,000

NEW SECTION. **Sec. 5033. FOR THE WASHINGTON STATE UNIVERSITY**
Preventive Facility Maintenance and Building System Repairs (91000037)
Appropriation:
Washington State University Building Account—State $10,115,000
Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0
TOTAL $10,115,000

NEW SECTION. **Sec. 5034. FOR THE WASHINGTON STATE UNIVERSITY**

Joint Center for Deployment and Research in Earth Abundant Materials (91000039)

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding is provided solely for capital improvements, infrastructure, and equipment, to support: (a) A transformative program in earth-abundant materials to accelerate the development of next generation clean energy and transportation technologies in Washington; (b) a coordinated framework and resources that can facilitate and promote multi-institution collaborations to drive research, development, and deployment efforts in the use of earth-abundant materials for manufactured clean technologies or recycling of advanced materials used in clean technologies; and (c) environmentally responsible processes in the areas of manufacturing and recycling of advanced materials used in clean technologies.

(2) Administration of the appropriation is under the authority of Washington State University in collaboration with the University of Washington. Washington State University and the University of Washington, in consultation with the regional universities, the Pacific Northwest national laboratory, and industry experts, shall develop criteria for providing grant funding for specific projects at public four-year institutions of higher education to stay within the appropriation level provided in this section. Funding for administrative offices may be provided for administrative offices west of the crest of the Cascade mountains only.

(3) The office of the state treasurer must manage the issuance of bonds associated with these grants so as to incur the lowest possible cost of funds in recognition of the short useful life of the equipment purchased with the bond proceeds.

Appropriation:
State Building Construction Account—State $2,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,000,000

NEW SECTION. **Sec. 5035. FOR THE EASTERN WASHINGTON UNIVERSITY**

Engineering Building (30000556)

Appropriation:
Eastern Washington University Capital Projects
Account—State $345,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $56,695,000
TOTAL $57,040,000

NEW SECTION. **Sec. 5036. FOR THE EASTERN WASHINGTON UNIVERSITY**

Interdisciplinary Science Center (30000001)

Appropriation:

State Building Construction Account—State $67,009,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $67,009,000

NEW SECTION. **Sec. 5037. FOR THE EASTERN WASHINGTON UNIVERSITY**

Preventative Maintenance/Backlog Reduction (30000615)

Appropriation:

Eastern Washington University Capital Projects Account—State $2,217,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,217,000

NEW SECTION. **Sec. 5038. FOR THE EASTERN WASHINGTON UNIVERSITY**

Minor Works - Facility Preservation (91000019)

Appropriation:

Eastern Washington University Capital Projects Account—State $7,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $21,000,000
TOTAL $28,500,000

NEW SECTION. **Sec. 5039. FOR THE EASTERN WASHINGTON UNIVERSITY**

Minor Works - Program (91000021)

Appropriation:

Eastern Washington University Capital Projects Account—State $2,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $21,000,000
TOTAL $23,500,000

NEW SECTION. **Sec. 5040. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Nutrition Science (30000456)

Appropriation:

State Building Construction Account—State $23,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $26,400,000
TOTAL $49,400,000

NEW SECTION. **Sec. 5041. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Minor Works Preservation (30000783)

Appropriation:

Central Washington University Capital Projects Account—State $7,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $33,915,000
TOTAL $41,415,000

NEW SECTION. **Sec. 5042. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Preventive Facility Maintenance and Building System Repairs (91000017)

Appropriation:

Central Washington University Capital Projects Account—State $2,422,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,422,000

NEW SECTION. **Sec. 5043. FOR THE EVERGREEN STATE COLLEGE**

Preventive Facility Maintenance and Building System Repairs (30000612)

Appropriation:

The Evergreen State College Capital Projects Account—State $830,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $3,803,000
TOTAL $4,633,000

NEW SECTION. **Sec. 5044. FOR THE EVERGREEN STATE COLLEGE**

Critical Power, Safety, and Security Systems (30000613)

Appropriation:

State Building Construction Account—State $10,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $10,500,000

NEW SECTION. **Sec. 5045. FOR THE EVERGREEN STATE COLLEGE**

Health and Counseling Center (30000614)

Appropriation:

State Building Construction Account—State $500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $5,100,000
TOTAL $5,600,000

NEW SECTION. **Sec. 5046. FOR THE EVERGREEN STATE COLLEGE**

Facilities Preservation (91000010)

Appropriation:

The Evergreen State College Capital Projects Account—State $7,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $30,000,000
TOTAL $37,500,000

NEW SECTION. **Sec. 5047. FOR THE WESTERN WASHINGTON UNIVERSITY**

Access Control Security Upgrades (30000604)

Appropriation:

Western Washington University Capital Projects

Account—State $1,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,500,000

NEW SECTION. **Sec. 5048. FOR THE WESTERN WASHINGTON UNIVERSITY**

Sciences Building Addition & Renovation (30000768)

Appropriation:

State Building Construction Account—State $6,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $85,568,000
TOTAL $91,568,000

NEW SECTION. **Sec. 5049. FOR THE WESTERN WASHINGTON UNIVERSITY**

2017-19 Classroom & Lab Upgrades (30000769)

Appropriation:

State Building Construction Account—State $6,180,000
Western Washington University Capital Projects Account—State $470,000
Subtotal Appropriation $6,650,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $6,650,000

NEW SECTION. **Sec. 5050. FOR THE WESTERN WASHINGTON UNIVERSITY**

Elevator Preservation Safety and ADA Upgrades (30000772)

Appropriation:

State Building Construction Account—State $2,188,000
Western Washington University Capital Projects Account—State $1,000,000
Subtotal Appropriation $3,188,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $3,188,000

NEW SECTION. **Sec. 5051. FOR THE WESTERN WASHINGTON UNIVERSITY**

Minor Works - Preservation (30000781)

Appropriation:

Western Washington University Capital Projects Account—State $6,179,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $30,000,000
TOTAL $36,179,000

NEW SECTION. **Sec. 5052. FOR THE WESTERN WASHINGTON UNIVERSITY**

Preventive Facility Maintenance and Building System Repairs (91000010)

Appropriation:

Western Washington University Capital Projects

Account—State $3,614,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $14,456,000
TOTAL $18,070,000

NEW SECTION. **Sec. 5053. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Minor Works - Preservation (30000288)

Appropriation:

State Building Construction Account—State $2,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,000,000

NEW SECTION. **Sec. 5054. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Heritage Capital Grants Projects (30000297)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided solely for the following list of projects:

Adventuress Centennial Restoration Project $394,000
The Paramount Theatre Upgrades $573,000
Stimson-Green Mansion Rehabilitation $193,000
German American Bank Building Restoration $45,000
Capitol Theater Roof Replacement and Awning Restoration $118,000
Fort Ward Community Hall (Heritage Bakery Building) $92,000
Lighthouse No. 83 (Swiftsure) Rehabilitation $299,000
Gladish Community and Cultural Center Restoration $131,000
University Heights Center Historic Preservation $750,000
Railroads, Waterfowl, Field Trips and Family Outings $497,000
Fort Worden's Historic Warehouses Rehabilitation $750,000
Yamasaki Courtyard Renewal Project $30,000
Longview Shay Pavilion Completion $60,000
5th Avenue Theatre Upgrade $750,000
Museum of Flight Roof Repair Project $376,000
Tumwater Old Brewhouse Tower Rehabilitation $507,000
Historic Purse Seiner Shenandoah Restoration $58,000
The Quincy Valley Community Heritage Barn $205,000
Georgetown Steam Plant Historic Concrete Restoration $750,000
Pacific Northwest Railroad Archives Bldg Energy Efficiencies & Security $52,000
Tollgate Farmhouse Rehabilitation $279,000
Illuminating the Balfour Dock Building $560,000
Port Hadlock Heritage Campus - Growing Public Access to Traditional Boatbuilding Skills & Education $360,000
The Old Hotel Art Gallery Renovation & Upgrades $56,000
Kirkman House Museum $90,000
Northwest Railway Museum - Restoring the Golden Age of Rail Travel. $201,000

Cornish Playhouse Theater Renovation $354,000
Mount Baker Community Club Energy and Life
Safety Improvements $141,000
Hubble House Restoration $41,000
Nikkei Heritage Association of Washington - Facilities
Preservation and Long Term Operations Plan $21,000
Princess Theater and the Green Room at the Princess
Rehabilitation. $114,000
M.V. Lotus Deck Replacement $29,000
Woodland Theatre Repair and Restoration $44,000
Pacific County Historical Society - Annex Storage Building. $32,000
Historic Schooner Suva Preservation $34,000
Appropriation:
State Building Construction Account—State $8,986,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs). $0
TOTAL $8,986,000

NEW SECTION. **Sec. 5055. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Strategic Facility Master Plan (40000004)
Appropriation:
State Building Construction Account—State $75,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs). $0
TOTAL $75,000

NEW SECTION. **Sec. 5056. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Minor Works - Preservation (40000001)
Appropriation:
State Building Construction Account—State $770,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs). $0
TOTAL $770,000

NEW SECTION. **Sec. 5057. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clark College: North County Satellite (30000135)
Appropriation:
State Building Construction Account—State $5,212,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs). $48,603,000
TOTAL $53,815,000

NEW SECTION. **Sec. 5058. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Edmonds Community College: Science, Engineering, Technology Bldg (30000137)
Appropriation:
State Building Construction Account—State $37,757,000
Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0
TOTAL $37,757,000

NEW SECTION. **Sec. 5059. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Whatcom Community College: Learning Commons (30000138)

Appropriation:
State Building Construction Account—State $33,960,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $33,960,000

NEW SECTION. **Sec. 5060. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Big Bend: Professional - Technical Education Center (30000981)

Appropriation:
State Building Construction Account—State $35,063,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $35,063,000

NEW SECTION. **Sec. 5061. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane: Main Building South Wing Renovation (30000982)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for predesign, design, and construction, which may also serve as bridging documents, design, competition honoraria, project management, and other planning activities including permits.

(2) Criteria for selecting the design-build contractor must include life cycle costs, energy costs, or energy use index. Contractors and architectural and engineering firms may be eligible for additional points during the scoring process if they have experience with the state agency, or if they are considered a small business.

(3) The building must be built using sustainable building standards as defined in section 7009 of this act.

Appropriation:
State Building Construction Account—State $24,919,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $24,919,000

NEW SECTION. **Sec. 5062. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Highline: Health and Life Sciences (30000983)

Appropriation:
State Building Construction Account—State $23,372,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $23,372,000

NEW SECTION. **Sec. 5063. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Wenatchee Valley: Wells Hall Replacement (30000985)

Appropriation:

State Building Construction Account—State $2,772,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $29,048,000
TOTAL $31,820,000

NEW SECTION. **Sec. 5064. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Olympic: Shop Building Renovation (30000986)

Appropriation:

State Building Construction Account—State $929,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $7,368,000
TOTAL $8,297,000

NEW SECTION. **Sec. 5065. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce Fort Steilacoom: Cascade Building Renovation - Phase 3 (30000987)

Appropriation:

State Building Construction Account—State $3,438,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $29,982,000
TOTAL $33,420,000

NEW SECTION. **Sec. 5066. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Seattle: Automotive Technology Renovation and Expansion (30000988)

Appropriation:

State Building Construction Account—State $2,241,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $21,873,000
TOTAL $24,114,000

NEW SECTION. **Sec. 5067. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bates: Medical Mile Health Science Center (30000989)

Appropriation:

State Building Construction Account—State $3,150,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $39,208,000
TOTAL $42,358,000

NEW SECTION. **Sec. 5068. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Shoreline: Allied Health, Science & Manufacturing Replacement (30000990)

Appropriation:

State Building Construction Account—State $3,546,000
Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs). $35,972,000
TOTAL $39,518,000

NEW SECTION. **Sec. 5069. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Preventive Facility Maintenance and Building System Repairs (30001291)

Appropriation:

Community/Technical College Capital Projects Account—State $22,800,000
Prior Biennia (Expenditures). $0
Future Biennia (Projected Costs). $91,200,000
TOTAL $114,000,000

NEW SECTION. **Sec. 5070. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Roof Repairs (30001293)

Appropriation:

Community/Technical Colleges Capital Projects Account—State $8,433,000
Prior Biennia (Expenditures). $0
Future Biennia (Projected Costs). $0
TOTAL $8,433,000

NEW SECTION. **Sec. 5071. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Facility Repairs (30001294)

Appropriation:

State Building Construction Account—State $1,218,000
Community/Technical Colleges Capital Projects Account—State $25,458,000
Subtotal Appropriation. $26,676,000
Prior Biennia (Expenditures). $0
Future Biennia (Projected Costs). $0
TOTAL $26,676,000

NEW SECTION. **Sec. 5072. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Site Repairs (30001295)

Appropriation:

State Building Construction Account—State $4,166,000
Prior Biennia (Expenditures). $0
Future Biennia (Projected Costs). $0
TOTAL $4,166,000

NEW SECTION. **Sec. 5073. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Program (30001368)

Appropriation:

State Building Construction Account—State $26,630,000
Prior Biennia (Expenditures). $0
Future Biennia (Projected Costs). $0
TOTAL $26,630,000

NEW SECTION. **Sec. 5074. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Preservation (30001369)

Appropriation:

Community/Technical College Capital Projects Account—State $21,309,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $21,309,000

NEW SECTION. **Sec. 5075. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Falls: Fine and Applied Arts Replacement (30001458)

Appropriation:

State Building Construction Account—State $2,766,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $34,728,000
TOTAL $37,494,000

NEW SECTION. **Sec. 5076. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

North Seattle College Student Housing (92000028)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the college to implement the initial steps for student housing.

Appropriation:

State Building Construction Account—State $200,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $200,000

PART 6
RESERVED
PART 7
MISCELLANEOUS PROVISIONS

NEW SECTION. **Sec. 7001.** RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are fifteen million, fifty seven thousand dollars for the 2017-2019 biennium, two hundred sixty-two million, two hundred ninety thousand dollars for the 2019-2021 biennium, and three hundred sixty-six million, four hundred seventy-five thousand dollars for the 2021-2023 biennium.

NEW SECTION. **Sec. 7002.** ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. (1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available,

including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Department of enterprise services:

(a) Enter into a financing contract for up to $5,323,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to repair the east plaza garage in Olympia.

(b) Enter into a financing contract for up to $2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for Tacoma Rhodes elevators.

(4) Washington state patrol:

(a) Enter into a financing contract for up to $7,450,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a burn building for live fire training.

(b) Enter into a financing contract for up to $2,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for furnishings and equipment at the 1063 building.

(5) Department of labor and industries: Enter into a financing contract for up to $12,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to modernize a lab and training facility.

(6) Community and technical colleges:

(a) Enter into a financing contract on behalf of Cascadia College for up to $29,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a parking structure.

(b) Enter into a financing contract on behalf of Renton Community College for up to $2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire property in Renton.

(c) Enter into a financing contract on behalf of South Seattle College for up to $10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student wellness and fitness center.

(d) Enter into a financing contract on behalf of Shoreline Community College for up to $31,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build student housing.

(e) Enter into a financing contract on behalf of Clark College for up to $35,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student recreation center.

(f) Enter into a financing contract on behalf of Lower Columbia College for up to $3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the main building.

(g) Enter into a financing contract on behalf of Clover Park Technical College for up to $33,288,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a center for advanced manufacturing technologies.

NEW SECTION. **Sec. 7003.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act in excess of $5,000,000, or $10,000,000 for higher education institutions, may not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign. The predesign document must include, but not be limited to, program, site, and cost analysis, and an analysis of the life-cycle costs of the alternatives explored, in accordance with the predesign manual adopted by the office of financial management. The results of life-cycle cost analysis must be a primary consideration in the selection of a building design. Construction may proceed only upon providing to the office of financial management the life-cycle costs. To improve monitoring of major construction projects, progress reports must be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports must be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

NEW SECTION. **Sec. 7004.** (1) The legislature finds that use of life-cycle cost analysis will aid public entities, architects, engineers, and contractors in making design and construction decisions that positively impact both the initial construction cost and the ongoing operating and maintenance cost of a project. To ensure that the total cost of a project is accounted for and the most reasonable and cost efficient design is used, agencies shall develop life-cycle costs for any construction project over $10,000,000. The life-cycle costs must represent the present value sum of capital costs, installation costs, operating costs, and maintenance costs over the life expectancy of the project. The legislature further finds the most effective approach to the life-cycle cost analysis is to integrate it into the early part of the design process.

(2) Agencies shall develop a minimum of three project alternatives for use in the life-cycle cost analysis. These alternatives must be both distinctly different and viable solutions to the issue being addressed. The chosen alternative must be the most reasonable and cost-effective solution. A brief description of each project alternative and why it was chosen must be included in the life-cycle cost analysis section of the predesign.

(3) The office of financial management shall: (a) Make available a life-cycle cost model to be used for analysis; (b) in consultation with the department of enterprise services, provide assistance in using the life-cycle cost model; and (c) update the life-cycle cost model annually including assumptions for inflation rates, discount rates, and energy rates.

(4) Agencies shall consider architectural and engineering firms' and general contractors' experience using life-cycle costs, operating costs, and energy efficiency measures when selecting an architectural and engineering firm, or when selecting contractors using alternative contracting methods.

NEW SECTION. **Sec. 7005.** To improve monitoring of major construction projects, progress reports must be submitted by the agency administering the

project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports must be submitted on July 1st and December 31st each year in a format to be determined by the office of financial management.

NEW SECTION. **Sec. 7006.** (1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management and in compliance with RCW 43.88.110. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110.

(2) Each project is defined as proposed in the legislative budget notes or in the governor's budget document.

NEW SECTION. **Sec. 7007.** (1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) A report of any transfer effected under this section, except emergency projects or any transfer under $250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

(5) The transfer authority granted in this section does not apply to appropriations for projects for the state parks and recreation commission. Appropriations for commission projects may be spent only for the specified projects, and funding may not be transferred from one commission project to another or from other sources to a commission project.

NEW SECTION. **Sec. 7008.** (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or

program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

NEW SECTION. **Sec. 7009.** (1) Any building project that receives over $10,000,000 in funding from the capital budget must be built to sustainable standards. "Sustainable building" means a building that integrates and optimizes all major high-performance building attributes, including energy efficiency, durability, life-cycle performance, and occupant productivity. The following design and construction attributes must be integrated into the building project:

(a) Employ integrated design principles: Use a collaborative, integrated planning and design process that initiates and maintains an integrated project team in all stages of a project's planning and delivery. Establish performance goals for siting, energy, water, materials, and indoor environmental quality along with other comprehensive design goals and ensures incorporation of these goals throughout the design and life-cycle of the building. Considers all stages of the building's life-cycle, including deconstruction.

(b) Commissioning: Employ commissioning practices tailored to the size and complexity of the building and its system components in order to verify performance of building components and systems and help ensure that design requirements are met. This should include an experienced commissioning provider, inclusion of commissioning requirements in construction documents, a commissioning plan, verification of the installation and performance of systems to be commissioned, and a commissioning report.

(c) Optimize energy performance: Establish a whole building performance target that takes into account the intended use, occupancy, operations, plug loads, other energy demands, and design to earn the ENERGY STAR targets for new construction and major renovation where applicable. For new construction target low energy use index. For major renovations, reduce the energy use by fifty percent below prerenovations baseline.

(d) On-site renewable energy: Meet at least thirty percent of the hot water demand through the installation of solar hot water heaters, when life-cycle cost effective. Implement renewable energy generation projects on agency property for agency use, when life-cycle cost effective.

(e) Measurement and verification: Install building level electricity meters in new major construction and renovation projects to track and continuously optimize performance. Include equivalent meters for natural gas and steam, where natural gas and steam are used. Install dashboards inside buildings to display and incentivize occupants on energy use.

(f) Benchmarking: Compare actual performance data from the first year of operation with the energy design target. Verify that the building performance meets or exceeds the design target. For other building and space types, use an equivalent benchmarking tool for laboratory buildings. Web-based data collection and dashboards must also be provided.

NEW SECTION. **Sec. 7010.** State agencies, including institutions of higher education, shall allot and report full-time equivalent staff for capital projects in a manner comparable to staff reporting for operating expenditures.

NEW SECTION. **Sec. 7011.** Executive Order No. 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies shall comply with the requirements set forth in this executive order.

NEW SECTION. **Sec. 7012.** FOR THE ARTS COMMISSION—ART WORK ALLOWANCE. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding $200,000 by colleges or universities is provided solely for the purposes of RCW 28B.10.027.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency identified in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2017-2019 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art. Art allocations not expended within the ensuing two biennia will lapse. The commission may use up to $150,000 of this amount to conserve or maintain existing pieces in the state art collection pursuant to RCW 28A.335.210.

(5) The executive director of the arts commission shall appoint a study group to review the operations of the one-half of one percent for works of art purchased or commissioned as required by RCW 28A.335.210, 28B.10.027, and 43.17.200. The findings of the review must be reported annually to the office of financial management and the fiscal committees of the legislature by September 15th. The review must include, but is not limited to, the following: (a) Projects purchased or commissioned per biennium; (b) partner agencies; (c) funding sources by fiscal year; (d) artwork costs; (e) administrative costs; (f) collection care costs; and (g) project status.

Sec. 7013. RCW 28B.10.027 and 2016 sp.s. c 35 s 6008 are each amended to read as follows:

(1) All universities and colleges shall allocate as a nondeductible item, out of any moneys appropriated for the original construction or any major renovation or remodel work exceeding two hundred thousand dollars of any building, an amount of one-half of one percent of the appropriation to be

expended by the Washington state arts commission with the approval of the board of regents or trustees for the acquisition of works of art.

(2) For projects funded in the 2015-2017 capital budget and the 2017-2019 capital budget, an institution of higher education, working with the Washington arts commission, may expend up to ten percent of the projected art allocation for a project during the design phase in order to select an artist and design art to be integrated in the building design. The one-half of one percent to be expended by the Washington arts commission must be adjusted downward by the amount expended by a university or college during the design phase of the capital project.

(3) The works of art may be placed on public lands of institutions of higher education, integral to or attached to a public building or structure of institutions of higher education, detached within or outside a public building or structure of institutions of higher education, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities.

(4) In addition to the cost of the works of art, the one-half of one percent of the appropriation shall be used to provide for the administration of the visual arts program, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, and other buildings of a temporary nature.

NEW SECTION. **Sec. 7014.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. **Sec. 7015.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

NEW SECTION. **Sec. 7016.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. **Sec. 7017.** NONTAXABLE AND TAXABLE BOND PROCEEDS. Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. Portions of the general obligation bond proceeds authorized by chapter . . ., Laws of 2018, (Senate Bill No. . . ., the general obligation bond bill)

for deposit into the state taxable building construction account that are in excess of amounts required to comply with the federal internal revenue service rules and regulations shall be deposited into the state building construction account. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the state building construction account, or any other account receiving bond proceeds, and the state taxable building construction account is necessary, or that a shift of appropriation authority from the state taxable building construction account to the state building construction account may be made.

NEW SECTION. **Sec. 7018.** COLUMBIA RIVER BASIN NONTAXABLE AND TAXABLE BOND PROCEEDS. Portions of the appropriation authority granted by this act from the Columbia river basin water supply development account may be transferred to the Columbia river basin taxable bond water supply development account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the Columbia river basin water supply development account and the Columbia river basin taxable bond water supply development account is necessary, or that a shift of appropriation authority from the Columbia river basin taxable bond water supply development account to the Columbia river basin water supply development account may be made.

Sec. 7019. RCW 28B.20.725 and 2015 3rd sp.s. c 3 s 7025 are each amended to read as follows:

The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the University of Washington building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the University of Washington building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. ((~~However, during the 2013-2015 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2013-2015 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.~~)) However, during the 2015-2017 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2015-2017 fiscal biennium from the date of such transfer on all

outstanding bonds payable out of the bond retirement fund. However, during the 2017-2019 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2017-2019 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.

Sec. 7020. RCW 28B.30.750 and 2015 3rd sp.s. c 3 s 7028 are each amended to read as follows:

The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the Washington State University building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the Washington State University building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. ((~~However, during the 2013-2015 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2013-2015 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.~~)) However, during the 2015-2017 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2015-2017 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund. However, during the 2017-2019 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2017-2019 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.

NEW SECTION. **Sec. 7021.** (1) Funds appropriated in this act for minor works may not be allotted until final project lists are submitted to the office of financial management. Revisions to the project lists are allowed for projects not anticipated at the time of budget development but must be submitted to the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee for review and comment and must include an explanation of variances from the prior lists before funds may be expended on the revisions. Any project list revisions must be approved by the office of financial management before funds may be expended from the minor works appropriation.

(2)(a) Minor works project lists are single line appropriations that include multiple projects of a similar nature and that are valued between $25,000 and $1,000,000 each, with the exception of higher education minor works projects that may be valued up to $2,000,000. All projects must meet the criteria included in this subsection (2)(a). These projects should be completed within two years of

the appropriation with the funding provided. Agencies are prohibited from including projects on their minor works lists that are a phase of a larger project, and that if combined over a continuous period of time, would exceed $1,000,000, or $2,000,000 for higher education minor works projects. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the minor works categories.

(b) Minor works appropriations may not be used for the following: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; movable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; rolling stock; computers; or to supplement funding for projects with funding shortfalls unless expressly authorized. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(c) Minor works preservation projects may include program improvements of no more than twenty-five percent of the individual minor works preservation project cost.

NEW SECTION. **Sec. 7022. STATE TREASURER TRANSFER AUTHORITY**

State Toxics Control Account: For transfer to the environmental legacy stewardship account, $13,000,000 for fiscal year 2018 and $13,000,000 for fiscal year 2019 . . . . . $26,000,000

Local Toxics Control Account: For transfer to the environmental legacy stewardship account, $15,250,000 in fiscal year 2018 and $15,250,000 in fiscal year 2019. . . . . $30,500,000

(1)(a) As directed by the department of ecology in consultation with the office of financial management, the state treasurer shall transfer amounts among the state toxics control account, the local toxics control account, and the environmental legacy stewardship account as needed during the 2017-2019 fiscal biennium to maintain positive account balances in all three accounts.

(b) If, after using the interfund transfer authority granted in this section, the department of ecology determines that further reductions are needed to maintain positive account balances in the state toxics control account, the local toxics control account, and the environmental legacy stewardship account, the department is authorized to delay the start of any projects based on acuity of need, readiness to proceed, cost-efficiency, purposes of increasing affordable housing, or need to ensure geographic distribution. If the department uses this authority, the department must submit a prioritized list of projects that may be delayed to the office of financial management and the appropriate fiscal committees of the legislature.

(2) As directed by the pollution liability insurance agency in consultation with the office of financial management, the state treasurer shall transfer from the pollution liability insurance program trust account to the underground

storage tank revolving account the lesser of $20,000,000 or the balance of the fund exceeding $7,500,000 after excluding the reserves during the 2017-2019 fiscal biennium.

NEW SECTION. **Sec. 7023.** To the extent that any appropriation authorizes expenditures of state funds from the state building construction account, or from any other capital project account in the state treasury, for a capital project or program that is specified to be funded with proceeds from the sale of bonds, the legislature declares that any such expenditures for that project or program made prior to the issue date of the applicable bonds are intended to be reimbursed from proceeds of those bonds in a maximum amount equal to the amount of such appropriation.

NEW SECTION. **Sec. 7024.** The energy efficiency account is hereby created in the state treasury. The sums deposited in the energy recovery act account shall be appropriated and expended for loans, loan guarantees, and grants for projects that encourage the establishment and use of innovative and sustainable industries for renewable energy and energy efficiency technology. The balance of state funds, federal funds, and loan repayments, from the energy recovery act account, are deposited in this account.

NEW SECTION. **Sec. 7025.** The department of enterprise services, in consultation with the office of financial management, may sell the property known as the Tacoma Rhodes complex to the city of Tacoma. The property consists of the broadway building, market building, and parking garage. The department may negotiate a sale with the city of Tacoma for less than fair market value, but the city must pay appraisal costs, all debt service, all closing costs, and the cost of any outstanding liabilities necessary to keep the department whole. The terms and conditions of the sale must meet the business needs of the state tenants.

NEW SECTION. **Sec. 7026.** JOINT LEGISLATIVE TASK FORCE ON IMPROVING STATE FUNDING FOR SCHOOL CONSTRUCTION. (1)(a) A joint legislative task force on improving state funding for school construction is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate from the senate committees on ways and means and early learning and K-12 education.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives from the house of representatives committees on capital budget and education.

(iii) The president of the senate and the speaker of the house of representatives jointly shall ensure that at least three of the eight members appointed pursuant to (a)(i) and (ii) of this subsection serve legislative districts located east of the crest of the Cascade mountains.

(iv) The chair of the task force selected pursuant to (b) of this subsection may appoint one additional member representing large school districts and one additional member representing small, rural school districts as voting members of the task force.

(b) The task force shall choose its chair from among its membership. The chair of the house of representatives committee on capital budget shall convene the initial meeting of the task force. All meetings of the task force must be

scheduled and conducted in accordance with the requirements of both the senate and the house of representatives.

(2) The task force shall review the following issues:

(a) Improvements to state financial assistance for K-12 school construction to be implemented over several fiscal biennia;

(b) Utilization of school spaces for multiple purposes;

(c) School design and construction approaches that support effective teaching and learning by delivering education through innovative, sustainable, cost-effective, and enduring design and construction methods; and

(d) Recent reports on school construction, including but not limited to the school construction cost study from the educational service district 112 and the efforts of collecting inventory and condition of schools data by the Washington state university extension energy office.

(3) In consideration of the findings pursuant to subsection (2) of this section, the task force must recommend a state school construction financial assistance program that:

(a) Supports the construction and preservation of schools; and

(b) Balances the state and local share of school construction and preservation costs considering local school districts' financial capacity, based on measures of relative wealth recommended pursuant to subsection (4)(b) of this section, and the state's limited bond capacity and common school trust land revenue.

(4) In making recommendations pursuant to subsection (3) of this section, the task force must, at a minimum, also recommend:

(a) A methodology to project needs for state financial assistance for school construction and preservation over a ten-year period;

(b) Measures of relative wealth of a school district, including but not limited to assessed land value per student, eligible free and reduced price meal enrollments, income per capita per school district, and costs of construction;

(c) Education specifications recognized by the state for the purpose of providing guidance to school districts when designing school construction projects;

(d) A capital asset model for K-12 school construction that considers space and usage needs to calculate construction assistance for:

(i) New schools to accommodate enrollment growth;

(ii) Major modernization projects to address aging facilities;

(iii) Replacement and renewal of major building systems based on achieving lowest life-cycle building costs, provided that standards of routine maintenance are achieved by local districts; and

(iv) Specialized facility improvements including but not limited to STEM facilities, career and technical education facilities, skills centers, and computer labs; and

(e) Alternative means to fund and accommodate increased classroom capacity to meet K-3 class-size reduction objectives.

(5)(a) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(b) The office of the superintendent of public instruction and the office of financial management shall cooperate with the task force and maintain liaison representatives, who are nonvoting members.

(c) The task force, where appropriate, may consult with individuals from public schools or related organizations or ask the individuals to establish a committee for technical advice and assistance. Members of such an advisory committee are not entitled to expense reimbursement.

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

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

(8) The task force must report its final findings and recommendations to the governor, the superintendent of public instruction, and the appropriate committees of the legislature by October 1, 2018.

(9) This section expires June 30, 2019.

Sec. 7027. RCW 43.19.501 and 2016 c 202 s 58 are each reenacted and amended to read as follows:

The Thurston county capital facilities account is created in the state treasury. The account is subject to the appropriation and allotment procedures under chapter 43.88 RCW. Moneys in the account may be expended for capital projects in facilities owned and managed by the department in Thurston county. ((~~For the 2007-2009 biennium, moneys in the account may be used for predesign identified in section 1037, chapter 328, Laws of 2008.~~)) For the 2015-2017 biennium, moneys in the account may be used for studies related to real estate.

((~~During the 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer from the Thurston county capital facilities account to the state general fund such amounts as reflect the excess fund balance of the account.~~)) During the 2017-2019 fiscal biennium, the Thurston county capital facilities account may be appropriated for costs associated with staffing to support capital budget and project activities and lease and facility oversight activities.

NEW SECTION. **Sec. 7028.** The public use general aviation airport loan revolving account is created in the custody of the state treasurer. All receipts from moneys collected under this chapter must be deposited into the account. Expenditures from the account may be used only for the purposes described in section 4002 of this act. Only the community aviation revitalization board or the board's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. **Sec. 7029.** The Washington state parks and recreation commission, with guidance and instruction from the office of financial management, must create a reporting structure to track the success and progress of addressing the maintenance backlog of state parks facilities. The reporting structure must provide a forecast of new project proposals, the status of current funded projects and a list of completed projects. The report must also include a facilities condition index that illustrates changes to the overall quality of

facilities of state parks. The legislature intends to receive future biennia capital budget requests that address facility maintenance backlog from the commission in the form of this new report structure as additional information to the current format for agency budget submittal requests.

NEW SECTION. **Sec. 7030.** Due to enactment of 2017-2019 omnibus capital appropriations after the beginning of the fiscal biennium, in addition to any authority provided by law, for any project or program authorized in this act that a state agency will administer through a grant or loan, the administering state agency is authorized to reimburse the recipient of the grant or loan for expenses incurred on or after July 1, 2017, by the recipient with nonstate moneys, not to exceed the amount authorized for that project or program in this act.

If necessary to reimburse expenses incurred from July 1, 2017, to the effective date of this act, this authorization supersedes agency rules regarding timing and deadlines for grant or loan applications and rules limiting reimbursement to only those expenses incurred after execution of a grant or loan agreement, subject to the approval of the office of financial management. Reimbursement for expenses must comply with all other conditions and limitations that apply to the grant or loan project or program. Section 7023 of this act applies to the reimbursements authorized in this section.

NEW SECTION. **Sec. 7031.** Due to enactment of 2017-2019 omnibus capital appropriations after the beginning of the fiscal biennium, in addition to any authority provided by law, state agencies that receive appropriations in this act are authorized to reimburse cost of capital expenditures that:

(1) Were incurred between July 1, 2017, and the effective date of this section;

(2) Are for the capital projects or programs authorized in this act; and

(3) Were paid from omnibus operating budget appropriations or other permitted operating accounts. Section 7023 of this act applies to the reimbursements authorized in this section.

NEW SECTION. **Sec. 7032.** 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. 7033.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the Senate January 18, 2018.

Passed by the House January 18, 2018.

Approved by the Governor January 19, 2018, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State January 19, 2018.

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

"I am returning herewith, without my approval as to Section 1034, Substitute Senate Bill No. 6090 entitled:

"AN ACT Relating to the capital budget."

Section 1034, pages 48-49, Office of Financial Management, Higher Education and State Facility Financing Study

This appropriation directs the Office of Financial Management (OFM) to study financing options for the construction of higher education facilities. Although there are merits to studying this topic, OFM would like to collaborate with the Legislature on developing the scope and methodology. For this reason, I have vetoed Section 1034.

For these reasons I have vetoed Section 1034 of Substitute Senate Bill No. 6090.

With the exception of Section 1034, Substitute Senate Bill No. 6090 is approved."

CHAPTER 3

[Engrossed Second Substitute House Bill 1080]

GENERAL OBLIGATION BONDS AND RELATED ACCOUNTS

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.99G.150 and 43.99G.170; adding a new section to chapter 43.99H RCW; adding a new section to chapter 28B.14H RCW; adding new chapters to Title 43 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

PART I
CAPITAL PROJECTS BONDS

NEW SECTION. **Sec. 101.** For the purpose of providing funds to finance the projects described and authorized by the legislature in the omnibus capital and operating appropriations acts for the 2017-2019 fiscal biennium, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of two billion nine hundred thirty million two hundred thirty thousand dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. **Sec. 102.** (1) The proceeds from the sale of bonds authorized in section 101 of this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

(a) Two billion seven hundred six million one hundred thirty-one thousand dollars to remain in the state building construction account created by RCW 43.83.020;

(b) Two hundred twenty-four million ninety-nine thousand dollars to the state taxable building construction account. All receipts from taxable bonds issued are to be deposited into the account. If the state finance committee deems it necessary or advantageous to issue more than the amount specified in this subsection (1)(b) as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds or in order to reduce the total financing costs for bonds issued, the proceeds of such additional taxable bonds shall be transferred to the state taxable building construction account in lieu of any transfer otherwise provided by this section. If the state finance committee determines that a portion of the amount specified in this subsection (1)(b) as taxable bonds may be issued as nontaxable bonds in compliance with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, then such bond proceeds shall be transferred to the state building construction account in lieu of the transfer to

the state taxable building construction account otherwise provided by this subsection (1)(b). The state treasurer shall submit written notice to the director of financial management if it is determined that any such additional transfer to the state taxable building construction account is necessary or that a transfer from the state taxable building construction account to the state building construction account may be made. Moneys in the account may be spent only after appropriation.

(c) The treasurer shall transfer bond proceeds deposited in the state building construction account into the outdoor recreation account created by RCW 79A.25.060, the habitat conservation account created by RCW 79A.15.020, the farm and forest account created by RCW 79A.15.130, and the early learning facilities development account, at various times and in various amounts necessary to support authorized expenditures from those accounts.

(d) The treasurer shall transfer bond proceeds deposited in the state taxable building construction account into the early learning facilities revolving account, at various times and in various amounts necessary to support authorized expenditures from that account.

(2) These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

NEW SECTION. **Sec. 103.** (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 101 of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in section 101 of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 102(1) (a) through (d) of this act the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

NEW SECTION. **Sec. 104.** (1) Bonds issued under section 101 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. **Sec. 105.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 101 of this act, and sections 102 and 103 of this act shall not be deemed to provide an exclusive method for the payment.

PART II
WATERSHED RESTORATION AND ENHANCEMENT BONDS

NEW SECTION. **Sec. 201.** For the purpose of providing funds for the watershed and fisheries restoration and enhancement program, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of three hundred million dollars, or as much thereof as may be required, to finance the projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine.

NEW SECTION. **Sec. 202.** It is the intent of the legislature that the proceeds of the new bonds authorized in section 201 of this act will be dispersed in phases of no more than twenty million dollars per year over fifteen years, beginning with the 2017-2019 biennium. This is not intended to limit the state's ability to disperse bond proceeds if the full amount authorized in section 201 of this act has not been dispersed after fifteen years. The authorization to issue bonds contained in section 201 of this act does not expire until the full authorization has been issued and dispersed.

NEW SECTION. **Sec. 203.** The proceeds from the sale of the bonds authorized in section 201 of this act must be deposited in the watershed restoration and enhancement bond account. If the state finance committee deems it necessary to issue the bonds authorized in section 201 of this act as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such taxable bonds must be deposited into the watershed restoration and enhancement taxable bond account. The state treasurer shall submit written notice to the director of financial management if it is determined that any such transfer to the watershed restoration and enhancement taxable bond account is necessary. The proceeds shall be used exclusively for the purposes specified in section 201 of this act and for the payment of expenses incurred in the issuance and sale of the bonds. These proceeds shall be administered by the office of financial management.

NEW SECTION. **Sec. 204.** The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 201 of this act. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. On each date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date. Bonds issued under section 201 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. **Sec. 205.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 201 of this act, and section 204 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. **Sec. 206.** The bonds authorized in section 201 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. **Sec. 207.** Sections 201 through 206 of this act constitute a new chapter in Title 43 RCW.

PART III
MISCELLANEOUS

Sec. 301. RCW 43.99G.150 and 2006 c 167 s 101 are each amended to read as follows:

(1) For the purpose of providing funds for state correctional facilities, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of fifty-nine million three hundred thousand dollars, or as much thereof as may be required, to finance the projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

(2) If any bonds authorized in this chapter have not been issued by June 30, 2018, the authority of the state finance committee to issue such remaining unissued bonds expires June 30, 2018.

Sec. 302. RCW 43.99G.170 and 2006 c 167 s 301 are each amended to read as follows:

(1) For the purpose of providing funds for the Hood Canal aquatic rehabilitation program, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of six million nine hundred twenty thousand dollars, or as much thereof as may be required, to finance the projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

(2) If any bonds authorized in this chapter have not been issued by June 30, 2018, the authority of the state finance committee to issue such remaining unissued bonds expires June 30, 2018.

NEW SECTION. **Sec. 303.** A new section is added to chapter 43.99H RCW to read as follows:

If any bonds authorized in this chapter have not been issued by June 30, 2018, the authority of the state finance committee to issue such remaining unissued bonds expires June 30, 2018.

NEW SECTION. **Sec. 304.** A new section is added to chapter 28B.14H RCW to read as follows:

If any bonds authorized in this chapter have not been issued by June 30, 2018, the authority of the state finance committee to issue such remaining unissued bonds expires June 30, 2018.

NEW SECTION. **Sec. 305.** Sections 101 through 105 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 306.** 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. 307.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House January 18, 2018.
Passed by the Senate January 18, 2018.
Approved by the Governor January 19, 2018.
Filed in Office of Secretary of State January 19, 2018.

CHAPTER 4

[Engrossed Senate Bill 5375]

ANDY HILL CANCER RESEARCH ENDOWMENT

AN ACT Relating to the Andy Hill cancer research endowment; and amending RCW 43.348.010, 43.348.020, 43.348.030, 43.348.040, 43.348.050, 43.348.060, 43.348.070, 43.348.080, and 42.56.270.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.348.010 and 2015 3rd sp.s. c 34 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ((~~"Authority" means the cancer research endowment authority created in this chapter.~~

~~(2)~~)) "Board" means the governing board of the ((~~authority~~)) endowment.

(((~~(3)~~))) (2) "Cancer" means a group of diseases involving unregulated cell growth.

(((~~(4)~~))) (3) "Cancer patient advocacy organizations" means groups with offices in the state that promote cancer prevention and advocate on behalf of cancer patients.

(((~~(5)~~))) (4) "Cancer research" means advanced and applied research and development relating to the causes, prevention, and diagnosis of cancer and care of cancer patients including the development of tests, genetic analysis, medications, processes, services, and technologies to optimize cancer therapies and their manufacture and commercialization and includes the costs of recruiting scientists and establishing and equipping research facilities.

(((~~(6) "CARE fund" or~~))) (5) "Fund" means the Andy Hill cancer research ((~~endowment~~)) fund created in RCW 43.348.060(1)(b).

(((~~(7)~~))) (6) "Commercial entity" means a for-profit entity located in the state that develops, manufactures, or sells goods or services relating to cancer prevention or care.

(((~~(8)~~))) (7) "Committee" means an independent expert scientific review and advisory committee established under RCW 43.348.050.

(((~~(9)~~))) (8) "Contribution agreement" means any agreement authorized under this chapter in which a private entity or a public entity other than the state agrees

to provide to the ((~~authority~~)) endowment contributions for the purpose of cancer research, prevention, or care.

(((~~(10)~~))) (9) "Costs" means the costs and expenses associated with the conduct of research, prevention, and care including, but not limited to, the cost of recruiting and compensating personnel, securing and financing facilities and equipment, and conducting clinical trials.

(((~~(11)~~))) (10) "Department" means the department of commerce.

(11) "Endowment" means the Andy Hill cancer research endowment.

(12) "Health care delivery system" means hospitals and clinics providing care to patients in the state.

(13) "Life sciences research" means advanced and applied research and development intended to improve human health, including scientific study of the developing brain and human learning and development, and other areas of scientific research and development vital to the state's economy.

(14) "Prevention" means measures to prevent the development and progression of cancer, including education, vaccinations, and screening processes and technologies, and to reduce the risk of cancer.

(15) "Program" means the Andy Hill cancer research endowment program created in RCW 43.348.040.

(16) "Program administrator" means a private nonprofit corporation qualified as a tax-exempt entity under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code, with expertise in conducting or managing research granting activities, funds, or organizations.

Sec. 2. RCW 43.348.020 and 2015 3rd sp.s. c 34 s 3 are each amended to read as follows:

(1) The Andy Hill cancer research endowment ((~~authority~~)) is created. The powers of the ((~~authority~~)) endowment are vested in and must be exercised by a board. The board consists of thirteen members appointed by the governor:

(a) Two members must be appointed from nominations submitted by the presidents of the University of Washington and Washington State University;

(b) Two members must be appointed from nominations submitted by the Fred Hutchinson cancer research center, Seattle cancer care alliance, and the Seattle children's research institute;

(c) Two members must be appointed from nominations submitted by patient advocacy organizations;

(d) Two members must be appointed from nominations submitted by representatives of businesses or industries engaged in the commercialization of life sciences research or cancer research;

(e) One member must be appointed from a list of at least three nominated by the speaker of the house of representatives;

(f) One member must be appointed from a list of at least three nominated by the president of the senate;

(g) One member must be appointed from nominations submitted by entities or systems that provide health care delivery services;

(h) One member ((~~[must be appointed]~~)) must be appointed from nominations provided by private sector donors to the fund. However, the governor may reject all nominations and request a new list from which the governor must select the member; and

(i) The remaining member must be a member of the public.

(2) In soliciting nominations and appointing members, the governor must seek to identify individuals from throughout the state having relevant knowledge, experience, and expertise with regard to (a) cancer research, prevention, and care; (b) health care consumer issues; (c) government finance and budget; and (d) the commercialization of life sciences or cancer research. In soliciting nominations and appointing members, the governor must seek individuals who will contribute to the geographic diversity of the board, with the goal that at least five board members be from counties with a population less than one million persons. Appointments must be made on or before July 1, 2016.

(3) The term of a member is four years from the date of their appointment except the initial term of the members in subsection (1)(d) through (i) of this section must be two years to create a staggered appointment process. A member may be appointed to not more than two full consecutive terms. A member appointed by the governor may be removed by the governor for cause under RCW 43.06.070 and 43.06.080. The members may not be compensated but may be reimbursed, solely from the fund, for expenses incurred in the discharge of their duties under this chapter.

(4) Seven members of the board constitute a quorum.

(5) The members must elect a chair, treasurer, and secretary annually, and other officers as the members determine necessary, and may adopt bylaws or rules for their own government.

(6) Meetings of the board must be held in accordance with the open public meetings act, chapter 42.30 RCW, and at the call of the chair or when a majority of the members so requests. Meetings of the board may be held at any location within or out of the state, and members may participate in a meeting of the board by means of a conference telephone or similar communication equipment under RCW 23B.08.200.

Sec. 3. RCW 43.348.030 and 2015 3rd sp.s. c 34 s 4 are each amended to read as follows:

The ((~~authority~~)) endowment has all the general powers necessary to carry out its purposes and duties and to exercise its specific powers. In addition to other powers specified in this chapter, the ((~~authority~~)) endowment may:

(1) Sue and be sued in its own name;

(2) Make and execute agreements, contracts, and other instruments, with any public or private person or entity, including commercial entities, in accordance with this chapter;

(3) Employ, contract with, or engage independent counsel, financial advisors, auditors, other technical or professional assistants, and such other personnel as are necessary or desirable to implement this chapter;

(4) Exercise any other power reasonably required to implement the purposes of this chapter; and

(5) Delegate any of its powers and duties if consistent with the purposes of this chapter.

Sec. 4. RCW 43.348.040 and 2015 3rd sp.s. c 34 s 5 are each amended to read as follows:

(1) The Andy Hill cancer research endowment program is created. The purpose of the program is to make grants to public and private entities, including commercial entities, to fund or reimburse the entities pursuant to agreement for

the promotion of cancer research to be conducted in the state. The ((~~authority~~)) endowment is to oversee and guide the program, including the solicitation, selection, and award of grants.

(2) The board must develop a plan for the allocation of projected amounts in the ((~~CARE~~)) fund, which it must update annually, following at least one annual public hearing. The plan must provide for appropriate funding continuity and take into account the projected speed at which revenues will be available and amounts that can be spent during the plan period.

(3) The ((~~authority~~)) endowment must solicit requests for grant funding and evaluate the requests by reference to factors such as: (a) The quality of the proposed research or program; (b) its potential to improve health outcomes of persons with cancer, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular cancer or cancer-related condition or disease; (c) its potential for leveraging additional funding; (d) its potential to provide additional health care benefits or benefit other human diseases or conditions; (e) its potential to stimulate life science, health care, and biomedical employment in the state; (f) the geographic diversity of the grantees within Washington; (g) evidence of potential royalty, sales, or licensing revenue, or other commercialization-related revenue and contractual means to recapture such income for purposes of this chapter; and (h) evidence of public and private collaboration.

(4) The ((~~authority~~)) endowment may not award a grant for a proposal that was not recommended by an independent expert scientific review and advisory committee under RCW 43.348.050.

(5) The ((~~authority~~)) endowment must issue an annual report to the public that sets forth its activities with respect to the ((~~CARE~~)) fund, including grants awarded, grant-funded work in progress, research accomplishments, prevention, and care activities, and future program directions with respect to cancer research, prevention, and care. Each annual report regarding activities of the ((~~cancer research endowment~~)) program and ((~~CARE~~)) fund must include, but not be limited to, the following: The number and dollar amounts of grants; the grantees for the prior year; the ((~~authority's~~)) endowment's administrative expenses; an assessment of the availability of funding for cancer research, prevention, and care from sources other than the ((~~authority~~)) endowment; a summary of research, prevention, and care-related findings, including promising new areas for investment; and a report on the benefits to Washington of its programs to date.

(6) The ((~~authority's~~)) endowment's first annual report must include a proposed operating plan for the design, implementation, and administration of an endowment program supporting the purposes of the ((~~authority~~)) endowment and program.

(7) The ((~~authority~~)) endowment must adopt policies to ensure that all potential conflicts have been disclosed and that all conflicts have been eliminated or mitigated.

(8) The ((~~authority~~)) endowment must establish standards to ensure that recipients of grants for cancer research, prevention, or care purchase goods and services from Washington suppliers to the extent reasonably possible.

Sec. 5. RCW 43.348.050 and 2015 3rd sp.s. c 34 s 6 are each amended to read as follows:

(1) In addition to any advisory boards the ((~~authority~~)) endowment determines to establish, the ((~~authority~~)) endowment must establish one or more independent expert scientific review and advisory committees for the purposes of evaluating grant proposals for cancer research and recommending grants to be made from the ((~~CARE~~)) Andy Hill cancer research fund; advising the ((~~authority~~)) endowment during the development and review of its strategic plans for cancer research; and advising the ((~~authority~~)) endowment on scientific and other matters in furtherance of the cancer research purposes of ((~~chapter 34, Laws of 2015 3rd sp. sess~~)) this chapter.

(2) Each independent expert scientific review and advisory committee must consist of individuals with nationally recognized expertise in the scientific, clinical, ethical, commercial, and regulatory aspects of cancer research, prevention, and care. The board must appoint the members of the committee. Preliminary review of grant proposals may be made by a panel of such committee or an independent contractor chosen by the board upon recommendation of the committee, but all recommendations for grants to be made from the ((~~CARE~~)) fund may be made only upon majority vote of the committee.

Sec. 6. RCW 43.348.060 and 2015 3rd sp.s. c 34 s 7 are each amended to read as follows:

(1) The program administrator must provide services to the board and has the following duties and responsibilities:

(a) Jointly with the board, solicit and receive gifts, grants, and bequests, and enter into contribution agreements with private entities and public entities, including commercial entities, in order to use those moneys to fund grants awarded by the ((~~authority~~)) endowment;

(b) Establish ((~~a~~)) an Andy Hill cancer research ((~~endowment~~)) fund ((~~to be known as the CARE fund~~)). The ((~~CARE~~)) fund must be a separate private account outside the state treasury into which grants and contributions received from public and private sources as well as state matching funds must be deposited, and from which funds for grants awarded by the ((~~authority~~)) endowment must be disbursed. Once moneys in the Andy Hill cancer research endowment fund match transfer account are subject to an agreement under RCW 43.348.080(6) and are deposited in the ((~~CARE~~)) fund under this section, the moneys in the ((~~CARE~~)) fund are not considered state money, common cash, or revenue to the state;

(c) Manage the ((~~CARE~~)) fund, its obligations, and investments as to achieve the maximum possible rate of return on investment in the ((~~CARE~~)) fund;

(d) Establish policies and procedures to facilitate the orderly process of grant application, review, selection, and notification; and

(e) Distribute ((~~CARE~~)) funds to selected entities through grant agreements. Grant agreements must set forth the terms and conditions of the grant and must include, but not be limited to: (i) Deliverables to be provided by the recipient pursuant to the grant; (ii) the circumstances under which the grant amount would be required to be repaid or the circumstances under which royalty, sales, or licensing revenue, or other commercialization-related revenue would be required

to be shared; and (iii) indemnification, dispute resolution, and any other terms and conditions as are customary for grant agreements or are deemed reasonable by the board. The program administrator may negotiate with any grantee the costs associated with performing scientific activities funded by grants.

(2) Periodically, but not less often than every three years, the ((~~authority~~)) endowment and the department must conduct a request for proposals and retain the services of an independent auditor with experience in performance auditing of research granting entities similar to the ((~~authority~~)) endowment. The independent auditor must review the ((~~authority's~~)) endowment's strategic plan, program, and program administrator and publish a report assessing their performance and providing recommendations for improvement. The ((~~authority~~)) endowment must hold at least one public hearing at which the results of each audit are presented and discussed.

Sec. 7. RCW 43.348.070 and 2015 3rd sp.s. c 34 s 8 are each amended to read as follows:

The program administrator may create additional legal entities and take such action as may be necessary or advisable to enable the ((~~CARE~~)) fund to accept charitable contributions. In addition, the program administrator may provide technical assistance, information, and training to private employers and other potential donors to establish programs that facilitate charitable contributions to the ((~~CARE~~)) fund including tobacco use premium surcharge programs.

Sec. 8. RCW 43.348.080 and 2015 3rd sp.s. c 34 s 9 are each amended to read as follows:

(1) The Andy Hill cancer research endowment fund match transfer account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the ((~~cancer research endowment~~)) program created in RCW 43.348.040. The purpose of the account is to provide matching funds for the ((~~CARE~~)) fund and administrative costs. Expenditures to fund or reimburse the program administrator are not subject to the requirements of subsection (4) of this section.

(2) Revenues to the account must consist of deposits into the account, legislative appropriations, and any gifts, grants, or donations received by the department for this purpose.

(3) The legislature must appropriate a state match, up to a maximum of ten million dollars annually, beginning July 1, 2016, and each July 1st following the end of the fiscal year from tax collections and penalties generated from enforcement of state taxes on cigarettes and other tobacco products by the state liquor and cannabis board or other federal, state or local law or tax enforcement agency, as determined by the department of revenue. Tax collections include any cigarette tax, other tobacco product tax, and retail sales and use tax.

(4) Expenditures, in the form of matching funds, from the account may be made only upon receipt of proof from the program administrator of nonstate or private contributions to the ((~~CARE~~)) fund for the ((~~cancer research endowment~~)) program. Expenditures, in the form of matching funds, may not exceed the total amount of nonstate or private contributions.

(5) Only the director of the department or the director's designee may authorize expenditures from the Andy Hill cancer research endowment fund

match transfer account. Such authorization must be made as soon as practicable following receipt of proof as required under subsection (4) of this section.

(6) The department must enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

Sec. 9. RCW 42.56.270 and 2017 c 317 s 17 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under

chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services

authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70.95N.190(4);

(22) Financial information supplied to the department of financial institutions or to a portal under RCW 21.20.883, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW;

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and

cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372; ((~~and~~))

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under RCW 69.50.--- (section 16, chapter 317, Laws of 2017), which may be submitted to or obtained by the state liquor and cannabis board; and

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information.

Passed by the Senate January 18, 2018.
Passed by the House January 22, 2018.
Approved by the Governor January 30, 2018.
Filed in Office of Secretary of State January 30, 2018.

CHAPTER 5

[Substitute House Bill 2282]
OPEN INTERNET

AN ACT Relating to protecting an open internet in Washington state; adding a new chapter to Title 19 RCW; and providing a contingent effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) Any person providing broadband internet access service in Washington state shall publicly disclose accurate information regarding the network management practices, performance characteristics, and commercial terms of its broadband internet access services sufficient to enable consumers to make informed choices regarding the purchase and use of such services and entrepreneurs and other small businesses to develop, market, and maintain internet offerings. The disclosure must be made via a publicly available, easily accessible web site.

(2) A person engaged in the provision of broadband internet access service in Washington state, insofar as the person is so engaged, may not:

(a) Block lawful content, applications, services, or nonharmful devices, subject to reasonable network management;

(b) Impair or degrade lawful internet traffic on the basis of internet content, application, or service, or use of a nonharmful device, subject to reasonable network management; or

(c) Engage in paid prioritization.

(3) Nothing in this chapter:

(a) Supersedes any obligation or authorization a provider of broadband internet access service may have to address the needs of emergency communications or law enforcement, public safety, or national security authorities, consistent with or as permitted by applicable law, or limits the provider's ability to do so; or

(b) Prohibits reasonable efforts by a provider of broadband internet access service to address copyright infringement or other unlawful activity.

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

(a)(i) "Broadband internet access service" means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service.

(ii) "Broadband internet access service" also encompasses any service that the federal communications commission finds to be providing a functional equivalent of the service described in (a)(i) of this subsection, or that is used to evade the protections set forth in this section.

(b) "Edge provider" means any individual or entity that provides any content, application, or service over the internet, and any individual or entity that provides a device used for accessing any content, application, or service over the internet.

(c) "End user" means any individual or entity that uses a broadband internet access service.

(d)(i) "Paid prioritization" means the management of a broadband provider's network to directly or indirectly favor some traffic over other traffic, including through the use of techniques such as traffic shaping, prioritization, resource reservation, or other forms of preferential traffic management, either:

(A) In exchange for consideration, monetary or otherwise, from a third party; or

(B) To benefit an affiliated entity.

(ii) "Paid prioritization" does not include the provision of tiered internet access service or offerings to a retail end user.

(e) "Reasonable network management" means a practice that has a primarily technical network management justification, but does not include other business practices. A network management practice is reasonable if it is primarily used for and tailored to achieving a legitimate network management purpose, taking into account the particular network architecture and technology of the broadband internet access service.

(f) "Tiered internet access service" means offering end users a choice between different packages of service with clearly advertised speeds, prices, terms, and conditions; for example, a ten megabit service for one price and a fifty megabit service for a different price.

NEW SECTION. **Sec. 2.** (1) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) This chapter may be enforced solely by the attorney general under the consumer protection act, chapter 19.86 RCW.

NEW SECTION. **Sec. 3.** The internet consumer access account is created in the state treasury. All receipts from recoveries by the office of the attorney general for lawsuits related to the consumer protection act under the provisions of this chapter, or otherwise designated to this account, must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for costs incurred by the office of the attorney general in the administration and enforcement of this chapter.

NEW SECTION. **Sec. 4.** (1) This act takes effect on the later of the following:

(a) Ninety days after adjournment of the legislative session in which this act is passed; or

(b) The date the federal communications commission's restoring internet freedom order (FCC 17-166) as issued on January 4, 2018, takes effect.

(2) The utilities and transportation commission must provide notice of the effective date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the utilities and transportation commission.

NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act constitute a new chapter in Title 19 RCW.

Passed by the House February 9, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 5, 2018.
Filed in Office of Secretary of State March 5, 2018.

CHAPTER 6

[Engrossed Substitute Senate Bill 6037]

UNIFORM PARENTAGE ACT

AN ACT Relating to the uniform parentage act; adding a new chapter to Title 19 RCW; adding a new chapter to Title 26 RCW; repealing RCW 26.26.011, 26.26.021, 26.26.031, 26.26.041, 26.26.051, 26.26.101, 26.26.106, 26.26.111, 26.26.116, 26.26.210, 26.26.220, 26.26.230, 26.26.240, 26.26.250, 26.26.260, 26.26.300, 26.26.305, 26.26.310, 26.26.315, 26.26.320, 26.26.325, 26.26.330, 26.26.335, 26.26.340, 26.26.345, 26.26.350, 26.26.355, 26.26.360, 26.26.365, 26.26.370, 26.26.375, 26.26.400, 26.26.405, 26.26.410, 26.26.415, 26.26.420, 26.26.425, 26.26.430, 26.26.435, 26.26.440, 26.26.445, 26.26.450, 26.26.500, 26.26.505, 26.26.510, 26.26.515, 26.26.520, 26.26.525, 26.26.530, 26.26.535, 26.26.540, 26.26.545, 26.26.550, 26.26.555, 26.26.570, 26.26.575, 26.26.585, 26.26.590, 26.26.600, 26.26.605, 26.26.610, 26.26.615, 26.26.620, 26.26.625, 26.26.630, 26.26.700, 26.26.705, 26.26.710, 26.26.715, 26.26.720, 26.26.725, 26.26.730, 26.26.735, 26.26.740, 26.26.750, 26.26.760, 26.26.903, 26.26.904, 26.26.911, and 26.26.914; providing an effective date; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

SUBCHAPTER 1
GENERAL PROVISIONS

NEW SECTION. **Sec. 101.** SHORT TITLE. This act may be known and cited as the uniform parentage act.

NEW SECTION. **Sec. 102.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Acknowledged parent" means an individual who has established a parent-child relationship under sections 301 through 314 of this act.

(2) "Adjudicated parent" means an individual who has been adjudicated to be a parent of a child by a court with jurisdiction.

(3) "Alleged genetic parent" means an individual who is alleged to be, or alleges that the individual is, a genetic parent or possible genetic parent of a child whose parentage has not been adjudicated. The term includes an alleged genetic father and alleged genetic mother. The term does not include:

(a) A presumed parent;

(b) An individual whose parental rights have been terminated or declared not to exist; or

(c) A donor.

(4) "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes:

(a) Intrauterine or intracervical insemination;

(b) Donation of gametes;

(c) Donation of embryos;

(d) In-vitro fertilization and transfer of embryos; and

(e) Intracytoplasmic sperm injection.

(5) "Birth record" means a report of birth that has been registered by the state registrar of vital statistics.

(6) "Child" means an individual of any age whose parentage may be determined under this chapter.

(7) "Child-support agency" means a government entity, public official, or private agency, authorized to provide parentage-establishment services under Title IV-D of the social security act, 42 U.S.C. Secs. 651 through 669.

(8) "Determination of parentage" means establishment of a parent-child relationship by a judicial proceeding or signing of a valid acknowledgment of parentage under sections 301 through 314 of this act.

(9) "Donor" means an individual who provides gametes intended for use in assisted reproduction, whether or not for consideration. The term does not include:

(a) A woman who gives birth to a child conceived by assisted reproduction, except as otherwise provided in sections 701 through 718 of this act; or

(b) A parent under sections 601 through 608 of this act or an intended parent under sections 701 through 718 of this act.

(10) "Gamete" means sperm, egg, or any part of a sperm or egg.

(11) "Genetic testing" means an analysis of genetic markers to identify or exclude a genetic relationship.

(12) "Individual" means a natural person of any age.

(13) "Intended parent" means an individual, married or unmarried, who manifests an intent to be legally bound as a parent of a child conceived by assisted reproduction.

(14) "Man" means a male individual of any age.

(15) "Parent" means an individual who has established a parent-child relationship under section 201 of this act.

(16) "Parentage" or "parent-child relationship" means the legal relationship between a child and a parent of the child.

(17) "Presumed parent" means an individual who under section 204 of this act is presumed to be a parent of a child, unless the presumption is overcome in a

judicial proceeding, a valid denial of parentage is made under sections 301 through 314 of this act, or a court adjudicates the individual to be a parent.

(18) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(19) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(20) "Signatory" means an individual who signs a record.

(21) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession under the jurisdiction of the United States. The term includes a federally recognized Indian tribe.

(22) "Transfer" means a procedure for assisted reproduction by which an embryo or sperm is placed in the body of the woman who will give birth to the child.

(23) "Witnessed" means that at least one individual who is authorized to sign has signed a record to verify that the individual personally observed a signatory sign the record.

(24) "Woman" means a female individual of any age.

NEW SECTION. **Sec. 103.** SCOPE. (1) This chapter applies to an adjudication or determination of parentage.

(2) This chapter does not create, affect, enlarge, or diminish parental rights or duties under law of this state other than this chapter.

NEW SECTION. **Sec. 104.** AUTHORIZED COURT. The superior courts of this state may adjudicate parentage under this chapter.

NEW SECTION. **Sec. 105.** APPLICABLE LAW. The court shall apply the law of this state to adjudicate parentage. The applicable law does not depend on:

(1) The place of birth of the child; or

(2) The past or present residence of the child.

NEW SECTION. **Sec. 106.** DATA PRIVACY. A proceeding under this chapter is subject to law of this state other than this chapter which governs the health, safety, privacy, and liberty of a child or other individual who could be affected by disclosure of information that could identify the child or other individual, including address, telephone number, digital contact information, place of employment, social security number, and the child's day care facility or school.

NEW SECTION. **Sec. 107.** ESTABLISHMENT OF MATERNITY AND PATERNITY. To the extent practicable, a provision of this chapter applicable to a father-child relationship applies to a mother-child relationship and a provision of this chapter applicable to a mother-child relationship applies to a father-child relationship.

SUBCHAPTER 2
PARENT-CHILD RELATIONSHIP

NEW SECTION. **Sec. 201.** ESTABLISHMENT OF PARENT-CHILD RELATIONSHIP. A parent-child relationship is established between an individual and a child if:

(1) The individual gives birth to the child, except as otherwise provided in sections 701 through 718 of this act;

(2) There is a presumption under section 204 of this act of the individual's parentage of the child, unless the presumption is overcome in a judicial proceeding or a valid denial of parentage is made under sections 301 through 314 of this act;

(3) The individual is adjudicated a parent of the child under sections 501 through 523 of this act;

(4) The individual adopts the child;

(5) The individual acknowledges parentage of the child under sections 301 through 314 of this act, unless the acknowledgment is rescinded under section 308 of this act or successfully challenged under sections 301 through 314 or 501 through 523 of this act;

(6) The individual's parentage of the child is established under sections 601 through 608 of this act; or

(7) The individual's parentage of the child is established under sections 702 through 707.

NEW SECTION. **Sec. 202.** NO DISCRIMINATION BASED ON MARITAL STATUS OF PARENT. A parent-child relationship extends equally to every child and parent, regardless of the marital status of the parent.

NEW SECTION. **Sec. 203.** CONSEQUENCES OF ESTABLISHING PARENTAGE. Unless parental rights are terminated, a parent-child relationship established under this chapter applies for all purposes, except as otherwise provided by law of this state other than this chapter.

NEW SECTION. **Sec. 204.** PRESUMPTION OF PARENTAGE. (1) An individual is presumed to be a parent of a child if:

(a) Except as otherwise provided under sections 701 through 718 of this act, or law of this state other than this chapter:

(i) The individual and the woman who gave birth to the child are married to or in a state registered domestic partnership with each other and the child is born during the marriage or partnership, whether the marriage or partnership is or could be declared invalid;

(ii) The individual and the woman who gave birth to the child were married to or in a state registered domestic partnership with each other and the child is born not later than three hundred days after the marriage or partnership is terminated by death, dissolution, annulment, declaration of invalidity, or legal separation, whether the marriage or partnership is or could be declared invalid; or

(iii) The individual and the woman who gave birth to the child married or entered into a state registered domestic partnership with each other after the birth of the child, whether the marriage or partnership is or could be declared invalid, the individual at any time asserted parentage of the child, and:

(A) The assertion is in a record filed with the state registrar of vital statistics; or

(B) The individual agreed to be and is named as a parent of the child on the birth record of the child; or

(b) The individual resided in the same household with the child for the first four years of the life of the child, including any period of temporary absence, and openly held out the child as the individual's child.

(2) A presumption of parentage under this section may be overcome, and competing claims to parentage may be resolved, only by an adjudication under sections 501 through 523 of this act, or a valid denial of parentage under sections 301 through 314 of this act.

NEW SECTION. **Sec. 205.** The secretary of the department of health may adopt rules under the state administrative procedure act, chapter 34.05 RCW, to implement section 204 of this act.

NEW SECTION. **Sec. 206.** The secretary of the department of health may charge a fee for filing an assertion of parentage.

SUBCHAPTER 3
VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE

NEW SECTION. **Sec. 301.** ACKNOWLEDGMENT OF PARENTAGE. A woman who gave birth to a child and an alleged genetic father of the child, intended parent under sections 601 through 608 of this act, or presumed parent may sign an acknowledgment of parentage to establish the parentage of the child.

NEW SECTION. **Sec. 302.** EXECUTION OF ACKNOWLEDGMENT OF PARENTAGE. (1) An acknowledgment of parentage under section 301 of this act must:

(a) Be in a record signed by the woman who gave birth to the child and by the individual seeking to establish a parent-child relationship, and the signatures must be attested by a notarial officer or witnessed;

(b) State that the child whose parentage is being acknowledged:

(i) Does not have a presumed parent other than the individual seeking to establish the parent-child relationship or has a presumed parent whose full name is stated; and

(ii) Does not have another acknowledged parent, adjudicated parent, or individual who is a parent of the child under sections 601 through 608 and 701 through 718 of this act, other than the woman who gave birth to the child; and

(c) State that the signatories understand that the acknowledgment is the equivalent of an adjudication of parentage of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred four years after the effective date of the acknowledgment.

(2) An acknowledgment of parentage is void if, at the time of signing:

(a) An individual other than the individual seeking to establish parentage is a presumed parent, unless a denial of parentage by the presumed parent in a signed record is filed with the state registrar of vital statistics; or

(b) An individual, other than the woman who gave birth to the child or the individual seeking to establish parentage, is an acknowledged or adjudicated parent or a parent under sections 601 through 608 and 701 through 718 of this act.

NEW SECTION. **Sec. 303.** DENIAL OF PARENTAGE. A presumed parent or alleged genetic parent may sign a denial of parentage in a record. The denial of parentage is valid only if:

(1) An acknowledgment of parentage by another individual is filed under section 305 of this act;

(2) The signature of the presumed parent or alleged genetic parent is attested by a notarial officer or witnessed; and

(3) The presumed parent or alleged genetic parent has not previously:

(a) Completed a valid acknowledgment of parentage, unless the previous acknowledgment was rescinded under section 308 of this act or challenged successfully under section 309 of this act; or

(b) Been adjudicated to be a parent of the child.

NEW SECTION. **Sec. 304.** RULES FOR ACKNOWLEDGMENT OR DENIAL OF PARENTAGE. (1) An acknowledgment of parentage and a denial of parentage may be contained in a single document or may be in counterparts and may be filed with the state registrar of vital statistics separately or simultaneously. If filing of the acknowledgment and denial both are required under this chapter, neither is effective until both are filed.

(2) An acknowledgment of parentage or denial of parentage may be signed before or after the birth of the child.

(3) Subject to subsection (1) of this section, an acknowledgment of parentage or denial of parentage takes effect on the birth of the child or filing of the document with the state registrar of vital statistics, whichever occurs later.

(4) An acknowledgment of parentage or denial of parentage signed by a minor is valid if the acknowledgment complies with this chapter.

NEW SECTION. **Sec. 305.** EFFECT OF ACKNOWLEDGMENT OR DENIAL OF PARENTAGE. (1) Except as otherwise provided in sections 308 and 309 of this act, an acknowledgment of parentage that complies with sections 301 through 314 of this act and is filed with the state registrar of vital statistics is equivalent to an adjudication of parentage of the child and confers on the acknowledged parent all rights and duties of a parent.

(2) Except as otherwise provided in sections 308 and 309 of this act, a denial of parentage by a presumed parent or alleged genetic parent which complies with sections 301 through 314 of this act and is filed with the state registrar of vital statistics with an acknowledgment of parentage that complies with sections 301 through 314 of this act is equivalent to an adjudication of the nonparentage of the presumed parent or alleged genetic parent and discharges the presumed parent or alleged genetic parent from all rights and duties of a parent.

NEW SECTION. **Sec. 306.** FILING FEE. The secretary of the department of health may charge a fee for filing an acknowledgment of parentage or denial of parentage, or for filing a rescission of an acknowledgment of parentage or denial of parentage.

NEW SECTION. **Sec. 307.** RATIFICATION BARRED. A court conducting a judicial proceeding or an administrative agency conducting an administrative proceeding is not required or permitted to ratify an unchallenged acknowledgment of parentage.

NEW SECTION. **Sec. 308.** PROCEDURE FOR RESCISSION. (1) A signatory may rescind an acknowledgment of parentage or denial of parentage by filing with the state registrar of vital statistics a rescission in a signed record which is attested by a notarial officer or witnessed, before the earlier of:

(a) Sixty days after the effective date under section 304 of this act of the acknowledgment or denial; or

(b) The date of the first hearing before a court in a proceeding, to which the signatory is a party, to adjudicate an issue relating to the child, including a proceeding that establishes support.

(2) If an acknowledgment of parentage is rescinded under subsection (1) of this section, an associated denial of parentage is invalid, and the state registrar of vital statistics shall notify the woman who gave birth to the child and the individual who signed a denial of parentage of the child that the acknowledgment has been rescinded. Failure to give the notice required by this subsection does not affect the validity of the rescission.

NEW SECTION. **Sec. 309.** CHALLENGE AFTER EXPIRATION OF PERIOD FOR RESCISSION. (1) After the period for rescission under section 308 of this act expires, but not later than four years after the effective date under section 304 of this act of an acknowledgment of parentage or denial of parentage, a signatory of the acknowledgment or denial may commence a proceeding to challenge the acknowledgment or denial, including a challenge brought under section 514 of this act, only on the basis of fraud, duress, or material mistake of fact.

(2) A challenge to an acknowledgment of parentage or denial of parentage by an individual who was not a signatory to the acknowledgment or denial is governed by section 510 of this act.

NEW SECTION. **Sec. 310.** PROCEDURE FOR CHALLENGE BY SIGNATORY. (1) Every signatory to an acknowledgment of parentage and any related denial of parentage must be made a party to a proceeding to challenge the acknowledgment or denial.

(2) By signing an acknowledgment of parentage or denial of parentage, a signatory submits to personal jurisdiction in this state in a proceeding to challenge the acknowledgment or denial, effective on the filing of the acknowledgment or denial with the state registrar of vital statistics.

(3) The court may not suspend the legal responsibilities arising from an acknowledgment of parentage, including the duty to pay child support, during the pendency of a proceeding to challenge the acknowledgment or a related denial of parentage, unless the party challenging the acknowledgment or denial shows good cause.

(4) A party challenging an acknowledgment of parentage or denial of parentage has the burden of proof.

(5) If the court determines that a party has satisfied the burden of proof under subsection (4) of this section, the court shall order the state registrar of vital statistics to amend the birth record of the child to reflect the legal parentage of the child.

(6) A proceeding to challenge an acknowledgment of parentage or denial of parentage must be conducted under sections 501 through 523 of this act.

NEW SECTION. **Sec. 311.** FULL FAITH AND CREDIT. The court shall give full faith and credit to an acknowledgment of parentage or denial of parentage effective in another state if the acknowledgment or denial was in a signed record and otherwise complies with law of the other state.

NEW SECTION. **Sec. 312.** FORMS FOR ACKNOWLEDGMENT AND DENIAL OF PARENTAGE. (1) The state registrar of vital statistics shall prescribe forms for an acknowledgment of parentage and denial of parentage.

(2) A valid acknowledgment of parentage or denial of parentage is not affected by a later modification of the form under subsection (1) of this section.

NEW SECTION. **Sec. 313.** RELEASE OF INFORMATION. The state registrar of vital statistics may release information relating to an acknowledgment of parentage or denial of parentage to a signatory of the acknowledgment or denial, a court, federal agency, and child support agency of this or another state.

NEW SECTION. **Sec. 314.** ADOPTION OF RULES. The secretary of the department of health may adopt rules under the state administrative procedure act, chapter 34.05 RCW, to implement sections 301 through 314 of this act.

SUBCHAPTER 4
GENETIC TESTING

NEW SECTION. **Sec. 401.** DEFINITIONS. The definitions in this section apply throughout sections 401 through 412 of this act unless the context clearly requires otherwise.

(1) "Combined relationship index" means the product of all tested relationship indices.

(2) "Ethnic or racial group" means, for the purpose of genetic testing, a recognized group that an individual identifies as the individual's ancestry or part of the ancestry or that is identified by other information.

(3) "Hypothesized genetic relationship" means an asserted genetic relationship between an individual and a child.

(4) "Probability of parentage" means, for the ethnic or racial group to which an individual alleged to be a parent belongs, the probability that a hypothesized genetic relationship is supported, compared to the probability that a genetic relationship is supported between the child and a random individual of the ethnic or racial group used in the hypothesized genetic relationship, expressed as a percentage incorporating the combined relationship index and a prior probability.

(5) "Relationship index" means a likelihood ratio that compares the probability of a genetic marker given a hypothesized genetic relationship and the probability of the genetic marker given a genetic relationship between the child and a random individual of the ethnic or racial group used in the hypothesized genetic relationship.

NEW SECTION. **Sec. 402.** SCOPE—LIMITATION ON USE OF GENETIC TESTING. (1) This subchapter, sections 401 through 412 of this act, governs genetic testing of an individual in a proceeding to adjudicate parentage, whether the individual:

(a) Voluntarily submits to testing; or

(b) Is tested under an order of the court or a child support agency.

(2) Genetic testing may not be used:

(a) To challenge the parentage of an individual who is a parent under sections 601 through 608 and 701 through 718 of this act; or

(b) To establish the parentage of an individual who is a donor.

NEW SECTION. **Sec. 403.** AUTHORITY TO ORDER OR DENY GENETIC TESTING. (1) Except as otherwise provided in sections 401 through 412 or 501 through 523 of this act, in a proceeding under this chapter to determine parentage, the court shall order the child and any other individual to submit to genetic testing if a request for testing is supported by the sworn statement of a party:

(a) Alleging a reasonable possibility that the individual is the child's genetic parent; or

(b) Denying genetic parentage of the child and stating facts establishing a reasonable possibility that the individual is not a genetic parent.

(2) A child support agency may order genetic testing only if there is no presumed, acknowledged, or adjudicated parent of a child other than the woman who gave birth to the child.

(3) The court or child support agency may not order in utero genetic testing.

(4) If two or more individuals are subject to court-ordered genetic testing, the court may order that testing be completed concurrently or sequentially.

(5) Genetic testing of a woman who gave birth to a child is not a condition precedent to testing of the child and an individual whose genetic parentage of the child is being determined. If the woman is unavailable or declines to submit to genetic testing, the court may order genetic testing of the child and each individual whose genetic parentage of the child is being adjudicated.

(6) In a proceeding to adjudicate the parentage of a child having a presumed parent or an individual who claims to be a parent under section 509 of this act, or to challenge an acknowledgment of parentage, the court may deny a motion for genetic testing of the child and any other individual after considering the factors in section 513 (1) and (2) of this act.

(7) If an individual requesting genetic testing is barred under sections 501 through 523 of this act from establishing the individual's parentage, the court shall deny the request for genetic testing.

(8) An order under this section for genetic testing is enforceable by contempt.

NEW SECTION. **Sec. 404.** REQUIREMENTS FOR GENETIC TESTING. (1) Genetic testing must be of a type reasonably relied on by experts in the field of genetic testing and performed in a testing laboratory accredited by:

(a) The AABB, formerly known as the American association of blood banks, or a successor to its functions; or

(b) An accrediting body designated by the secretary of the United States department of health and human services.

(2) A specimen used in genetic testing may consist of a sample or a combination of samples of blood, buccal cells, bone, hair, or other body tissue or fluid. The specimen used in the testing need not be of the same kind for each individual undergoing genetic testing.

(3) Based on the ethnic or racial group of an individual undergoing genetic testing, a testing laboratory shall determine the databases from which to select

frequencies for use in calculating a relationship index. If an individual or a child support agency objects to the laboratory's choice, the following rules apply:

(a) Not later than thirty days after receipt of the report of the test, the objecting individual or child support agency may request the court to require the laboratory to recalculate the relationship index using an ethnic or racial group different from that used by the laboratory.

(b) The individual or the child support agency objecting to the laboratory's choice under this subsection shall:

(i) If the requested frequencies are not available to the laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies; or

(ii) Engage another laboratory to perform the calculations.

(c) The laboratory may use its own statistical estimate if there is a question which ethnic or racial group is appropriate. The laboratory shall calculate the frequencies using statistics, if available, for any other ethnic or racial group requested.

(4) If, after recalculation of the relationship index under subsection (3) of this section using a different ethnic or racial group, genetic testing under section 406 of this act does not identify an individual as a genetic parent of a child, the court may require an individual who has been tested to submit to additional genetic testing to identify a genetic parent.

NEW SECTION. **Sec. 405.** REPORT OF GENETIC TESTING. (1) A report of genetic testing must be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report complying with the requirements of sections 401 through 412 of this act is self-authenticating.

(2) Documentation from a testing laboratory of the following information is sufficient to establish a reliable chain of custody and allow the results of genetic testing to be admissible without testimony:

(a) The name and photograph of each individual whose specimen has been taken;

(b) The name of the individual who collected each specimen;

(c) The place and date each specimen was collected;

(d) The name of the individual who received each specimen in the testing laboratory; and

(e) The date each specimen was received.

NEW SECTION. **Sec. 406.** GENETIC TESTING RESULTS—CHALLENGE TO RESULTS. (1) Subject to a challenge under subsection (2) of this section, an individual is identified under this chapter as a genetic parent of a child if genetic testing complies with sections 401 through 412 of this act and the results of the testing disclose:

(a) The individual has at least a ninety-nine percent probability of parentage, using a prior probability of 0.50, as calculated by using the combined relationship index obtained in the testing; and

(b) A combined relationship index of at least one hundred to one.

(2) An individual identified under subsection (1) of this section as a genetic parent of the child may challenge the genetic testing results only by other genetic testing satisfying the requirements of sections 401 through 412 of this act which:

(a) Excludes the individual as a genetic parent of the child; or

(b) Identifies another individual as a possible genetic parent of the child other than:

(i) The woman who gave birth to the child; or

(ii) The individual identified under subsection (1) of this section.

(3) Except as otherwise provided in section 411 of this act, if more than one individual other than the woman who gave birth is identified by genetic testing as a possible genetic parent of the child, the court shall order each individual to submit to further genetic testing to identify a genetic parent.

NEW SECTION. **Sec. 407.** COST OF GENETIC TESTING. (1) Subject to assessment of fees under sections 501 through 523 of this act, payment of the cost of initial genetic testing must be made in advance:

(a) By a child support agency in a proceeding in which the child support agency is providing services;

(b) By the individual who made the request for genetic testing;

(c) As agreed by the parties; or

(d) As ordered by the court.

(2) If the cost of genetic testing is paid by a child support agency, the agency may seek reimbursement from the genetic parent whose parent-child relationship is established.

NEW SECTION. **Sec. 408.** ADDITIONAL GENETIC TESTING. The court or child support agency shall order additional genetic testing on request of an individual who contests the result of the initial testing under section 406 of this act. If initial genetic testing under section 406 of this act identified an individual as a genetic parent of the child, the court or agency may not order additional testing unless the contesting individual pays for the testing in advance.

NEW SECTION. **Sec. 409.** GENETIC TESTING WHEN SPECIMEN NOT AVAILABLE. (1) Subject to subsection (2) of this section, if a genetic testing specimen is not available from an alleged genetic parent of a child, an individual seeking genetic testing demonstrates good cause, and the court finds that the circumstances are just, the court may order any of the following individuals to submit specimens for genetic testing:

(a) A parent of the alleged genetic parent;

(b) A sibling of the alleged genetic parent;

(c) Another child of the alleged genetic parent and the woman who gave birth to the other child; and

(d) Another relative of the alleged genetic parent necessary to complete genetic testing.

(2) To issue an order under this section, the court must find that a need for genetic testing outweighs the legitimate interests of the individual sought to be tested.

NEW SECTION. **Sec. 410.** DECEASED INDIVIDUAL. If an individual seeking genetic testing demonstrates good cause, the court may order genetic testing of a deceased individual.

NEW SECTION. **Sec. 411.** IDENTICAL SIBLINGS. (1) If the court finds there is reason to believe that an alleged genetic parent has an identical sibling and evidence that the sibling may be a genetic parent of the child, the court may order genetic testing of the sibling.

(2) If more than one sibling is identified under section 406 of this act as a genetic parent of the child, the court may rely on nongenetic evidence to adjudicate which sibling is a genetic parent of the child.

NEW SECTION. **Sec. 412.** CONFIDENTIALITY OF GENETIC TESTING. (1) Release of a report of genetic testing for parentage is controlled by chapter 70.02 RCW.

(2) An individual who intentionally releases an identifiable specimen of another individual collected for genetic testing under sections 401 through 412 of this act, for a purpose not relevant to a proceeding regarding parentage, without a court order or written permission of the individual who furnished the specimen, commits a gross misdemeanor punishable under RCW 9.92.020.

SUBCHAPTER 5
PROCEEDING TO ADJUDICATE PARENTAGE
Nature of Proceeding

NEW SECTION. **Sec. 501.** PROCEEDING AUTHORIZED. (1) A proceeding may be commenced to adjudicate the parentage of a child. Except as otherwise provided in this chapter, the proceeding is governed by the rules of civil procedure.

(2) A proceeding to adjudicate the parentage of a child born under a surrogacy agreement is governed by sections 701 through 718 of this act.

NEW SECTION. **Sec. 502.** STANDING TO MAINTAIN PROCEEDING. Except as otherwise provided in sections 301 through 314 and 508 through 511 of this act, a proceeding to adjudicate parentage may be maintained by:

(1) The child;

(2) The woman who gave birth to the child, unless a court has adjudicated that she is not a parent;

(3) An individual who is a parent under this chapter;

(4) An individual whose parentage of the child is to be adjudicated;

(5) The division of child support;

(6) An adoption agency authorized by law of this state other than this chapter or licensed child placement agency; or

(7) A representative authorized by law of this state other than this chapter to act for an individual who otherwise would be entitled to maintain a proceeding but is deceased, incapacitated, or a minor.

NEW SECTION. **Sec. 503.** NOTICE OF PROCEEDING. (1) The petitioner shall give notice of a proceeding to adjudicate parentage to the following individuals:

(a) The woman who gave birth to the child, unless a court has adjudicated that she is not a parent;

(b) An individual who is a parent of the child under this chapter;

(c) A presumed, acknowledged, or adjudicated parent of the child; and

(d) An individual whose parentage of the child is to be adjudicated.

(2) An individual entitled to notice under subsection (1) of this section has a right to intervene in the proceeding.

(3) Lack of notice required by subsection (1) of this section does not render a judgment void. Lack of notice does not preclude an individual entitled to notice under subsection (1) of this section from bringing a proceeding under section 511(2) of this act.

NEW SECTION. **Sec. 504.** PERSONAL JURISDICTION. (1) The court may adjudicate an individual's parentage of a child only if the court has personal jurisdiction over the individual.

(2) A court of this state with jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident individual, or the guardian or conservator of the individual, if the conditions prescribed in RCW 26.21A.100 are satisfied.

(3) Lack of jurisdiction over one individual does not preclude the court from making an adjudication of parentage binding on another individual.

NEW SECTION. **Sec. 505.** VENUE. Except as otherwise provided in section 707 of this act, venue for a proceeding to adjudicate parentage is in the county of this state in which:

(1) The child resides or is located;

(2) If the child does not reside in this state, the respondent resides or is located; or

(3) A proceeding has been commenced for administration of the estate of an individual who is or may be a parent under this chapter.

Special Rules for Proceeding to Adjudicate Parentage

NEW SECTION. **Sec. 506.** ADMISSIBILITY OF RESULTS OF GENETIC TESTING. (1) Except as otherwise provided in section 402(2) of this act, the court shall admit a report of genetic testing ordered by the court under section 403 of this act as evidence of the truth of the facts asserted in the report.

(2) A party may object to the admission of a report described in subsection (1) of this section, not later than fourteen days after the party receives the report. The party shall cite specific grounds for exclusion.

(3) A party that objects to the results of genetic testing may call a genetic testing expert to testify in person or by another method approved by the court. Unless the court orders otherwise, the party offering the testimony bears the expense for the expert testifying.

(4) Admissibility of a report of genetic testing is not affected by whether the testing was performed:

(a) Voluntarily or under an order of the court or a child support agency; or

(b) Before, on, or after commencement of the proceeding.

NEW SECTION. **Sec. 507.** ADJUDICATING PARENTAGE OF CHILD WITH ALLEGED GENETIC PARENT. (1) A proceeding to determine whether an alleged genetic parent who is not a presumed parent is a parent of a child may be commenced:

(a) Before the child becomes an adult; or

(b) After the child becomes an adult, but only if the child initiates the proceeding.

(2) Except as otherwise provided in section 514 of this act, this subsection applies in a proceeding described in subsection (1) of this section if the woman who gave birth to the child is the only other individual with a claim to parentage of the child. The court shall adjudicate an alleged genetic parent to be a parent of the child if the alleged genetic parent:

(a) Is identified under section 406 of this act as a genetic parent of the child and the identification is not successfully challenged under section 406 of this act;

(b) Admits parentage in a pleading, when making an appearance, or during a hearing, the court accepts the admission, and the court determines the alleged genetic parent to be a parent of the child;

(c) Declines to submit to genetic testing ordered by the court or a child support agency, in which case the court may adjudicate the alleged genetic parent to be a parent of the child even if the alleged genetic parent denies a genetic relationship with the child;

(d) Is in default after service of process and the court determines the alleged genetic parent to be a parent of the child; or

(e) Is neither identified nor excluded as a genetic parent by genetic testing and, based on other evidence, the court determines the alleged genetic parent to be a parent of the child.

(3) Except as otherwise provided in section 514 of this act and subject to other limitations in sections 501 through 523 of this act, if in a proceeding involving an alleged genetic parent, at least one other individual in addition to the woman who gave birth to the child has a claim to parentage of the child, the court shall adjudicate parentage under section 513 of this act.

NEW SECTION. **Sec. 508.** ADJUDICATING PARENTAGE OF CHILD WITH PRESUMED PARENT. (1) A proceeding to determine whether a presumed parent is a parent of a child may be commenced:

(a) Before the child becomes an adult; or

(b) After the child becomes an adult, but only if the child initiates the proceeding.

(2) A presumption of parentage under section 204 of this act cannot be overcome after the child attains four years of age unless the court determines:

(a) The presumed parent is not a genetic parent, never resided with the child, and never held out the child as the presumed parent's child; or

(b) The child has more than one presumed parent.

(3) Except as otherwise provided in section 514 of this act, the following rules apply in a proceeding to adjudicate a presumed parent's parentage of a child if the woman who gave birth to the child is the only other individual with a claim to parentage of the child:

(a) If no party to the proceeding challenges the presumed parent's parentage of the child, the court shall adjudicate the presumed parent to be a parent of the child.

(b) If the presumed parent is identified under section 406 of this act as a genetic parent of the child and that identification is not successfully challenged under section 406 of this act, the court shall adjudicate the presumed parent to be a parent of the child.

(c) If the presumed parent is not identified under section 406 of this act as a genetic parent of the child and the presumed parent or the woman who gave birth to the child challenges the presumed parent's parentage of the child, the court shall adjudicate the parentage of the child in the best interest of the child based on the factors under section 513 (1) and (2) of this act.

(4) Except as otherwise provided in section 514 of this act and subject to other limitations in sections 501 through 523 of this act, if in a proceeding to adjudicate a presumed parent's parentage of a child, another individual in addition to the woman who gave birth to the child asserts a claim to parentage of the child, the court shall adjudicate parentage under section 513 of this act.

NEW SECTION. **Sec. 509.** ADJUDICATING CLAIM OF DE FACTO PARENTAGE OF CHILD. (1) A proceeding to establish parentage of a child under this section may be commenced only by an individual who:

(a) Is alive when the proceeding is commenced; and

(b) Claims to be a de facto parent of the child.

(2) An individual who claims to be a de facto parent of a child must commence a proceeding to establish parentage of a child under this section:

(a) Before the child attains eighteen years of age; and

(b) While the child is alive.

(3) The following rules govern standing of an individual who claims to be a de facto parent of a child to maintain a proceeding under this section:

(a) The individual must file an initial verified pleading alleging specific facts that support the claim to parentage of the child asserted under this section. The verified pleading must be served on all parents and legal guardians of the child and any other party to the proceeding.

(b) An adverse party, parent, or legal guardian may file a pleading in response to the pleading filed under (a) of this subsection. A responsive pleading must be verified and must be served on parties to the proceeding.

(c) Unless the court finds a hearing is necessary to determine disputed facts material to the issue of standing, the court shall determine, based on the pleadings under (a) and (b) of this subsection, whether the individual has alleged facts sufficient to satisfy by a preponderance of the evidence the requirements of subsection (4)(a) through (g) of this section. If the court holds a hearing under this subsection, the hearing must be held on an expedited basis.

(4) In a proceeding to adjudicate parentage of an individual who claims to be a de facto parent of the child, the court shall adjudicate the individual who claims to be a de facto parent to be a parent of the child if the individual demonstrates by a preponderance of the evidence that:

(a) The individual resided with the child as a regular member of the child's household for a significant period;

(b) The individual engaged in consistent caretaking of the child;

(c) The individual undertook full and permanent responsibilities of a parent of the child without expectation of financial compensation;

(d) The individual held out the child as the individual's child;

(e) The individual established a bonded and dependent relationship with the child which is parental in nature;

(f) Another parent of the child fostered or supported the bonded and dependent relationship required under (e) of this subsection; and

(g) Continuing the relationship between the individual and the child is in the best interest of the child.

NEW SECTION. **Sec. 510.** ADJUDICATING PARENTAGE OF CHILD WITH ACKNOWLEDGED PARENT. (1) If a child has an acknowledged parent, a proceeding to challenge the acknowledgment of parentage or a denial of parentage, brought by a signatory to the acknowledgment or denial, is governed by sections 309 and 310 of this act.

(2) If a child has an acknowledged parent, the following rules apply in a proceeding to challenge the acknowledgment of parentage or a denial of parentage brought by an individual, other than the child, who has standing under section 502 of this act and was not a signatory to the acknowledgment or denial:

(a) The individual must commence the proceeding not later than four years after the effective date of the acknowledgment.

(b) The court may permit the proceeding only if the court finds permitting the proceeding is in the best interest of the child.

(c) If the court permits the proceeding, the court shall adjudicate parentage under section 513 of this act.

NEW SECTION. **Sec. 511.** ADJUDICATING PARENTAGE OF CHILD WITH ADJUDICATED PARENT. (1) If a child has an adjudicated parent, a proceeding to challenge the adjudication, brought by an individual who was a party to the adjudication or received notice under section 503 of this act, is governed by the rules governing a collateral attack on a judgment.

(2) If a child has an adjudicated parent, the following rules apply to a proceeding to challenge the adjudication of parentage brought by an individual, other than the child, who has standing under section 502 of this act and was not a party to the adjudication and did not receive notice under section 503 of this act:

(a) The individual must commence the proceeding not later than four years after the effective date of the adjudication.

(b) The court may permit the proceeding only if the court finds permitting the proceeding is in the best interest of the child.

(c) If the court permits the proceeding, the court shall adjudicate parentage under section 513 of this act.

NEW SECTION. **Sec. 512.** ADJUDICATING PARENTAGE OF CHILD OF ASSISTED REPRODUCTION. (1) An individual who is a parent under sections 601 through 608 of this act or the woman who gave birth to the child may bring a proceeding to adjudicate parentage. If the court determines the individual is a parent under sections 601 through 608 of this act, the court shall adjudicate the individual to be a parent of the child.

(2) In a proceeding to adjudicate an individual's parentage of a child, if another individual other than the woman who gave birth to the child is a parent under sections 601 through 608 of this act, the court shall adjudicate the individual's parentage of the child under section 513 of this act.

NEW SECTION. **Sec. 513.** ADJUDICATING COMPETING CLAIMS OF PARENTAGE. (1) Except as otherwise provided in section 514 of this act, in a proceeding to adjudicate competing claims of, or challenges under section 508(3), 510, or 511 of this act to, parentage of a child by two or more individuals, the court shall adjudicate parentage in the best interest of the child, based on:

(a) The age of the child;

(b) The length of time during which each individual assumed the role of parent of the child;

(c) The nature of the relationship between the child and each individual;

(d) The harm to the child if the relationship between the child and each individual is not recognized;

(e) The basis for each individual's claim to parentage of the child; and

(f) Other equitable factors arising from the disruption of the relationship between the child and each individual or the likelihood of other harm to the child.

(2) If an individual challenges parentage based on the results of genetic testing, in addition to the factors listed in subsection (1) of this section, the court shall consider:

(a) The facts surrounding the discovery the individual might not be a genetic parent of the child; and

(b) The length of time between the time that the individual was placed on notice that the individual might not be a genetic parent and the commencement of the proceeding.

(3) The court may adjudicate a child to have more than two parents under this chapter if the court finds that failure to recognize more than two parents would be detrimental to the child. A finding of detriment to the child does not require a finding of unfitness of any parent or individual seeking an adjudication of parentage. In determining detriment to the child, the court shall consider all relevant factors, including the harm if the child is removed from a stable placement with an individual who has fulfilled the child's physical needs and psychological needs for care and affection and has assumed the role for a substantial period.

NEW SECTION. **Sec. 514.** PRECLUDING ESTABLISHMENT OF PARENTAGE BY PERPETRATOR OF SEXUAL ASSAULT. (1) For the purposes of this section, "sexual assault" means nonconsensual sexual penetration that results in pregnancy.

(2) In a proceeding in which a parent alleges that a person committed a sexual assault that resulted in the parent becoming pregnant and subsequently giving birth to a child, the parent may seek to preclude the person from establishing or maintaining the person's parentage of the child. A parent who alleges that a child was born as a result of sexual assault may also seek additional relief as described in this section.

(3) This section does not apply if:

(a) The person described in subsection (2) of this section has previously been adjudicated in a proceeding brought under section 501 of this act to be a parent of the child, except as may be specifically permitted under subsection (4) of this section.

(4) Unless section 309 or 507 of this act applies, a parent must file a pleading making an allegation under subsection (2) of this section not later than four years after the birth of the child, except that for a period of one year after the effective date of this section, a court may waive the time bar in cases in which a presumed, acknowledged, or adjudicated parent was found in a criminal or separate civil proceeding to have committed a sexual assault against the parent alleging that the child was born as a result of the sexual assault.

(5) If a parent makes an allegation under subsection (2) of this section and subsection (3) of this section does not apply, the court must conduct a fact-finding hearing on the allegation.

(a) The court may not enter any temporary orders providing residential time or decision making to the alleged perpetrator prior to the fact-finding hearing on the sexual assault allegation unless both of the following criteria are satisfied: (i) The alleged perpetrator has a bonded and dependent relationship with the child that is parental in nature; and (ii) the court specifically finds that it would be in the best interest of the child if such temporary orders are entered.

(b) Prior to the fact-finding hearing, the court may order genetic testing to determine whether the alleged perpetrator is biologically related to the child. If genetic testing reveals that the alleged perpetrator is not biologically related to the child, the fact-finding hearing must be stricken.

(c) Fourteen days prior to the fact-finding hearing, the parent alleging that the child was born as a result of a sexual assault shall submit affidavits setting forth facts supporting the allegation and shall give notice, together with a copy of the affidavit, to other parties to the proceedings, who may file opposing affidavits. Opposing affidavits must be submitted and served to other parties to the proceeding five days prior to the fact-finding hearing.

(d) The court shall determine on the record whether affidavits and documents submitted for the fact-finding hearing should be sealed.

(6) An allegation under subsection (2) of this section may be proved by:

(a) Evidence that the person was convicted of or pleaded guilty to a sexual assault under RCW 9A.44.040, 9A.44.050, or 9A.44.060, or a comparable crime of sexual assault in any jurisdiction, against the child's parent and the child was born within three hundred twenty days after the sexual assault; or

(b) Clear, cogent, and convincing evidence that the person committed sexual assault, as defined in this section, against the child's parent and the child was born within three hundred twenty days after the sexual assault.

(7) Subject to subsections (1) through (5) of this section, if the court determines that an allegation has been proved under subsection (6) of this section at the fact-finding hearing or after a bench trial, the court shall:

(a) Adjudicate that the person described in subsection (2) of this section is not a parent of the child, has no right to residential time or decision-making responsibilities for the child, has no right to inheritance from the child, and has no right to notification of, or standing to object to, the adoption of the child. If the parent who was the victim of the sexual assault expressly consents in writing for the court to decline to enter one or more of these restrictions or limitations, the court may do so;

(b) Require the state registrar of vital statistics to amend the birth record if requested by the parent and the court determines that the amendment is in the best interest of the child; and

(c) Require the person pay to child support, birth-related costs, or both, unless the parent requests otherwise and the court determines that granting the request is in the best interest of the child.

(8) The child's parent or guardian may decline an order for child support or birth-related costs. If the child's parent or guardian declines an order for child support, and is either currently receiving public assistance or later applies for it for the child born as a result of the sexual assault, support enforcement agencies as defined in this chapter shall not file administrative or court proceedings to establish or collect child support, including medical support, from the person described in subsection (2) of this section.

(9) If the court enters an order under subsection (8) of this section providing that no child support obligation may be established or collected from the person described in subsection (2) of this section, the court shall forward a copy of the order to the Washington state support registry.

(10) The court may order an award of attorneys' fees under this section on the same basis as attorneys' fees are awarded under RCW 26.09.140.

(11) Any party may move to close the fact-finding hearing and any related proceedings under this section to the public. If no party files such a motion, the court shall determine on its own initiative whether the fact-finding hearing and any related proceedings under this section should be closed to the public. Upon finding good cause for closing the proceeding, and if consistent with Article I, section 10 of the state Constitution, the court may:

(a) Restrict admission to only those persons whom the court finds to have a direct interest in the case or in the work of the court, including witnesses deemed necessary to the disposition of the case; and

(b) Restrict persons who are admitted from disclosing any information obtained at the hearing that would identify the parties involved or the child.

Hearing and Adjudication

NEW SECTION. **Sec. 515.** TEMPORARY ORDER. (1) In a proceeding under sections 501 through 523 of this act, the court may issue a temporary order for child support if the order is consistent with law of this state other than this chapter and the individual ordered to pay support is:

(a) A presumed parent of the child;

(b) Petitioning to be adjudicated a parent;

(c) Identified as a genetic parent through genetic testing under section 406 of this act;

(d) An alleged genetic parent who has declined to submit to genetic testing;

(e) Shown by clear and convincing evidence to be a parent of the child; or

(f) A parent under this chapter.

(2) A temporary order may include a provision for parenting time and visitation under law of this state other than this chapter.

NEW SECTION. **Sec. 516.** COMBINING PROCEEDINGS. (1) Except as otherwise provided in subsection (2) of this section, the court may combine a proceeding to adjudicate parentage under this chapter with a proceeding for adoption or termination of parental rights under chapter 26.33 RCW; determination of a parenting plan, child support, annulment, dissolution of marriage, dissolution of a domestic partnership, or legal separation under chapter 26.09 or 26.19 RCW; or probate or administration of an estate under chapter 11.48 or 11.54 RCW; or other appropriate proceeding.

(2) A respondent may not combine a proceeding described in subsection (1) with a proceeding to adjudicate parentage brought under the uniform interstate family support act, chapter 26.21A RCW.

NEW SECTION. **Sec. 517.** PROCEEDING BEFORE BIRTH. Except as otherwise provided in sections 701 through 718 of this act, a proceeding to adjudicate parentage may be commenced before the birth of the child and an order or judgment may be entered before birth, but enforcement of the order or judgment must be stayed until the birth of the child. It is the responsibility of the parent to present the order or judgment to the hospital, midwife, or other party handling the delivery of the child so that the birth record may be entered properly.

NEW SECTION. **Sec. 518.** CHILD AS PARTY; REPRESENTATION. (1) A minor child is a permissive party but not a necessary party to a proceeding under sections 501 through 523 of this act.

(2) The court shall appoint a guardian ad litem, subject to RCW 74.20.310, to represent a child in a proceeding under sections 501 through 523 of this act, if the court finds that the interests of the child are not adequately represented.

NEW SECTION. **Sec. 519.** COURT TO ADJUDICATE PARENTAGE. The court shall adjudicate parentage of a child without a jury.

NEW SECTION. **Sec. 520.** HEARING—INSPECTION OF RECORDS. (1) On request of a party and for good cause, the court may close a proceeding under sections 501 through 523 of this act to the public.

(2) A final order in a proceeding under sections 501 through 523 of this act is available for public inspection. Other papers and records are available for public inspection only with the consent of the parties or by court order.

NEW SECTION. **Sec. 521.** DISMISSAL FOR WANT OF PROSECUTION. The court may dismiss a proceeding under this chapter for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and has only the effect of a dismissal without prejudice.

NEW SECTION. **Sec. 522.** ORDER ADJUDICATING PARENTAGE. (1) An order adjudicating parentage must identify the child in a manner provided by law of this state other than this chapter.

(2) Except as otherwise provided in subsection (3) of this section, the court may assess filing fees, reasonable attorneys' fees, fees for genetic testing, other costs, and necessary travel and other reasonable expenses incurred in a proceeding under sections 501 through 523 of this act. Attorneys' fees awarded under this subsection may be paid directly to the attorney, and the attorney may enforce the order in the attorney's own name.

(3) The court may not assess fees, costs, or expenses in a proceeding under sections 501 through 523 of this act, against a child support agency of this state or another state, except as provided by law of this state other than this chapter.

(4) In a proceeding under sections 501 through 523 of this act, a copy of a bill for genetic testing or prenatal or postnatal health care for the woman who gave birth to the child and the child, provided to the adverse party not later than ten days before a hearing, is admissible to establish:

(a) The amount of the charge billed; and

(b) That the charge is reasonable and necessary.

(5) On request of a party and for good cause, the court in a proceeding under sections 501 through 523 of this act, may order the name of the child changed. If the court order changing the name varies from the name on the birth record of the child, the court shall order the state registrar of vital statistics to amend the birth record.

(6) On request of a party and for good cause, the court in a proceeding under sections 501 through 523 of this act may order the parents listed on the birth record of the child changed. If the adjudicated parents listed in the court order vary from the parents listed on the birth record of the child, the court shall order the state registrar of vital statistics to amend the birth record.

NEW SECTION. **Sec. 523.** BINDING EFFECT OF DETERMINATION OF PARENTAGE. (1) Except as otherwise provided in subsection (2) of this section:

(a) A signatory to an acknowledgment of parentage or denial of parentage is bound by the acknowledgment and denial as provided in sections 301 through 314 of this act; and

(b) A party to an adjudication of parentage by a court acting under circumstances that satisfy the jurisdiction requirements of RCW 26.21A.100 and any individual who received notice of the proceeding are bound by the adjudication.

(2) A child is not bound by a determination of parentage under this chapter unless:

(a) The determination was based on an unrescinded acknowledgment of parentage and the acknowledgment is consistent with the results of genetic testing;

(b) The determination was based on a finding consistent with the results of genetic testing, and the consistency is declared in the determination or otherwise shown;

(c) The determination of parentage was made under sections 601 through 608 or 701 through 718 of this act; or

(d) The child was a party or was represented by a guardian ad litem in the proceeding.

(3) In a proceeding for dissolution of marriage or domestic partnership, the court is deemed to have made an adjudication of parentage of a child if the court acts under circumstances that satisfy the jurisdiction requirements of RCW 26.21A.100 and the final order:

(a) Expressly identifies the child as a "child of the marriage," "issue of the marriage," "child of the domestic partnership," "issue of the domestic partnership," or includes similar words indicating that both spouses in the marriage or domestic partners in the domestic partnership are parents of the child; or

(b) Provides for support of the child by a spouse or domestic partner unless that spouse or domestic partner's parentage is disclaimed specifically in the order.

(4) Except as otherwise provided in subsection (2) of this section or section 511 of this act, a determination of parentage may be asserted as a defense in a subsequent proceeding seeking to adjudicate parentage of an individual who was not a party to the earlier proceeding.

(5) A party to an adjudication of parentage may challenge the adjudication only under law of this state other than this chapter relating to appeal, vacation of judgment, or other judicial review.

SUBCHAPTER 6
ASSISTED REPRODUCTION

NEW SECTION. **Sec. 601.** SCOPE OF SUBCHAPTER. This subchapter, sections 601 through 608 of this act, does not apply to the birth of a child conceived by sexual intercourse or assisted reproduction under a surrogacy agreement under sections 701 through 718 of this act.

NEW SECTION. **Sec. 602.** PARENTAL STATUS OF DONOR. A donor is not a parent of a child conceived by assisted reproduction.

NEW SECTION. **Sec. 603.** PARENTAGE OF CHILD OF ASSISTED REPRODUCTION. An individual who consents under section 604 of this act to

assisted reproduction by a woman with the intent to be a parent of a child conceived by the assisted reproduction is a parent of the child.

NEW SECTION. **Sec. 604.** CONSENT TO ASSISTED REPRODUCTION. (1) Except as otherwise provided in subsection (2) of this section, the consent described in section 603 of this act must be in a record signed by a woman giving birth to a child conceived by assisted reproduction and an individual who intends to be a parent of the child.

(2) Failure to consent in a record as required by subsection (1) of this section, before, on, or after birth of the child, does not preclude the court from finding consent to parentage if:

(a) The woman or the individual proves by clear and convincing evidence the existence of an express agreement entered into before conception that the individual and the woman intended they both would be parents of the child; or

(b) The woman and the individual for the first four years of the child's life, including any period of temporary absence, resided together in the same household with the child and both openly held out the child as the individual's child, unless the individual dies or becomes incapacitated before the child attains four years of age or the child dies before the child attains four years of age, in which case the court may find consent under this subsection to parentage if a party proves by clear and convincing evidence that the woman and the individual intended to reside together in the same household with the child and both intended the individual would openly hold out the child as the individual's child, but the individual was prevented from carrying out that intent by death or incapacity.

NEW SECTION. **Sec. 605.** LIMITATION ON SPOUSE'S DISPUTE OF PARENTAGE. (1) Except as otherwise provided in subsection (2) of this section, an individual who, at the time of a child's birth, is the spouse of the woman who gave birth to the child by assisted reproduction may not challenge the individual's parentage of the child unless:

(a) Not later than four years after the birth of the child, the individual commences a proceeding to adjudicate the individual's parentage of the child; and

(b) The court finds the individual did not consent to the assisted reproduction, before, on, or after birth of the child, or withdrew consent under section 607 of this act.

(2) A proceeding to adjudicate a spouse's parentage of a child born by assisted reproduction may be commenced at any time if the court determines:

(a) The spouse neither provided a gamete for, nor consented to, the assisted reproduction;

(b) The spouse and the woman who gave birth to the child have not cohabited since the probable time of assisted reproduction; and

(c) The spouse never openly held out the child as the spouse's child.

(3) This section applies to a spouse's dispute of parentage even if the spouse's marriage is declared invalid after assisted reproduction occurs.

NEW SECTION. **Sec. 606.** EFFECT OF CERTAIN LEGAL PROCEEDINGS REGARDING MARRIAGE OR DOMESTIC PARTNERSHIP. If a marriage or domestic partnership of a woman who gives birth to a child conceived by assisted reproduction is terminated through

dissolution, subject to legal separation, declared invalid, or annulled before transfer of gametes or embryos to the woman, a former spouse or domestic partner of the woman is not a parent of the child unless the former spouse or domestic partner consented in a record that the former spouse or domestic partner would be a parent of the child if assisted reproduction were to occur after a dissolution, legal separation, declaration of invalidity, or annulment, and the former spouse or domestic partner did not withdraw consent under section 607 of this act.

NEW SECTION. **Sec. 607.** WITHDRAWAL OF CONSENT. (1) An individual who consents under section 604 of this act to assisted reproduction may withdraw consent any time before a transfer that results in a pregnancy, by giving notice in a record of the withdrawal of consent to the woman who agreed to give birth to a child conceived by assisted reproduction and to any clinic or health care provider facilitating the assisted reproduction. Failure to give notice to the clinic or health care provider does not affect a determination of parentage under this chapter.

(2) An individual who withdraws consent under subsection (1) of this section is not a parent of the child under this chapter.

NEW SECTION. **Sec. 608.** PARENTAL STATUS OF DECEASED INDIVIDUAL. (1) If an individual who intends to be a parent of a child conceived by assisted reproduction dies during the period between the transfer of a gamete or embryo and the birth of the child, the individual's death does not preclude the establishment of the individual's parentage of the child if the individual otherwise would be a parent of the child under this chapter.

(2) If an individual who consented in a record to assisted reproduction by a woman who agreed to give birth to a child dies before a transfer of gametes or embryos, the deceased individual is a parent of a child conceived by the assisted reproduction only if:

(a) Either:

(i) The individual consented in a record that if assisted reproduction were to occur after the death of the individual, the individual would be a parent of the child; or

(ii) The individual's intent to be a parent of a child conceived by assisted reproduction after the individual's death is established by clear and convincing evidence; and

(b) Either:

(i) The embryo is in utero not later than thirty-six months after the individual's death; or

(ii) The child is born not later than forty-five months after the individual's death.

SUBCHAPTER 7
SURROGACY AGREEMENT
General Requirements

NEW SECTION. **Sec. 701.** DEFINITIONS. The definitions in this section apply throughout this subchapter, sections 701 through 718 of this act, unless the context clearly requires otherwise.

(1) "Genetic surrogate" means a woman who is not an intended parent and who agrees to become pregnant through assisted reproduction using her own

gamete, under a genetic surrogacy agreement as provided in sections 701 through 718 of this act.

(2) "Gestational surrogate" means a woman who is not an intended parent and who agrees to become pregnant through assisted reproduction using gametes that are not her own, under a gestational surrogacy agreement as provided in sections 701 through 718 of this act.

(3) "Surrogacy agreement" means an agreement between one or more intended parents and a woman who is not an intended parent in which the woman agrees to become pregnant through assisted reproduction and which provides that each intended parent is a parent of a child conceived under the agreement. Unless otherwise specified, the term refers to both a gestational surrogacy agreement and a genetic surrogacy agreement.

NEW SECTION. **Sec. 702.** ELIGIBILITY TO ENTER GESTATIONAL OR GENETIC SURROGACY AGREEMENT. (1) To execute an agreement to act as a gestational or genetic surrogate, a woman must:

(a) Have attained twenty-one years of age;

(b) Previously have given birth to at least one child but not enter into more than two surrogacy agreements that result in the birth of children;

(c) Complete a medical evaluation related to the surrogacy arrangement by a licensed medical doctor;

(d) Complete a mental health consultation by a licensed mental health professional; and

(e) Have independent legal representation of her choice throughout the surrogacy arrangement regarding the terms of the surrogacy agreement and the potential legal consequences of the agreement.

(2) To execute a surrogacy agreement, each intended parent, whether or not genetically related to the child, must:

(a) Have attained twenty-one years of age;

(b) Complete a medical evaluation related to the surrogacy arrangement by a licensed medical doctor;

(c) Complete a mental health consultation by a licensed mental health professional; and

(d) Have independent legal representation of the intended parent's choice throughout the surrogacy arrangement regarding the terms of the surrogacy agreement and the potential legal consequences of the agreement.

NEW SECTION. **Sec. 703.** REQUIREMENTS OF GESTATIONAL OR GENETIC SURROGACY AGREEMENT—PROCESS. A surrogacy agreement must be executed in compliance with the following rules:

(1) At least one party must be a resident of this state or, if no party is a resident of this state, at least one medical evaluation or procedure or mental health consultation under the agreement must occur in this state.

(2) A woman acting as a surrogate and each intended parent must meet the requirements of section 702 of this act.

(3) Each intended parent, the woman acting as a surrogate, and the spouse of the woman acting as a surrogate, if any, must be parties to the agreement.

(4) The agreement must be in a record signed by each party listed in subsection (3) of this section.

(5) The woman acting as a surrogate and each intended parent must acknowledge in a record receipt of a copy of the agreement.

(6) The signature of each party to the agreement must be attested by a notarial officer or witnessed.

(7) The woman acting as a surrogate and the intended parent or parents must have independent legal representation throughout the surrogacy arrangement regarding the terms of the surrogacy agreement and the potential legal consequences of the agreement, and each counsel must be identified in the surrogacy agreement.

(8) The intended parent or parents must pay for independent legal representation for the woman acting as a surrogate.

(9) The agreement must be executed before a medical procedure occurs related to the surrogacy agreement, other than the medical evaluation and mental health consultation required by section 702 of this act.

NEW SECTION. **Sec. 704.** REQUIREMENTS OF GESTATIONAL OR GENETIC SURROGACY AGREEMENT—CONTENT. (1) A surrogacy agreement must comply with the following requirements:

(a) A woman acting as a surrogate agrees to attempt to become pregnant by means of assisted reproduction.

(b) Except as otherwise provided in sections 711, 714, and 715 of this act, the woman acting as a surrogate and the spouse or former spouse of the woman acting as a surrogate, if any, have no claim to parentage of a child conceived by assisted reproduction under the agreement.

(c) The spouse of the woman acting as a surrogate, if any, must acknowledge and agree to comply with the obligations imposed on the woman acting as a surrogate by the agreement.

(d) Except as otherwise provided in sections 711, 714, and 715 of this act, the intended parent or, if there are two intended parents, each one jointly and severally, immediately on birth will be the exclusive parent or parents of the child, regardless of number of children born or gender or mental or physical condition of each child.

(e) Except as otherwise provided in sections 711, 714, and 715, the intended parent or, if there are two intended parents, each parent jointly and severally, immediately on birth will assume responsibility for the financial support of the child, regardless of number of children born or gender or mental or physical condition of each child.

(f) The agreement must include information disclosing how each intended parent will cover the surrogacy-related expenses of the surrogate and the medical expenses of the child. If health care coverage is used to cover the medical expenses, the disclosure must include a summary of the health care policy provisions related to coverage for surrogate pregnancy, including any possible liability of the woman acting as a surrogate, third-party liability liens, other insurance coverage, and any notice requirement that could affect coverage or liability of the woman acting as a surrogate. Unless the agreement expressly provides otherwise, the review and disclosure do not constitute legal advice. If the extent of coverage is uncertain, a statement of that fact is sufficient to comply with this subsection (1)(f).

(g) The agreement must permit the woman acting as a surrogate to make all health and welfare decisions regarding herself and her pregnancy and,

notwithstanding any other provisions in this chapter, provisions in the agreement to the contrary are void and unenforceable. This chapter does not diminish the right of the woman acting as a surrogate to terminate her pregnancy.

(h) The agreement must include information about each party's right under sections 701 through 718 of this act to terminate the surrogacy agreement.

(2) A surrogacy agreement may provide for:

(a) Payment of consideration and reasonable expenses; and

(b) Reimbursement of specific expenses if the agreement is terminated under sections 701 through 718 of this act.

(3) A right created under a surrogacy agreement is not assignable and there is no third-party beneficiary of the agreement other than the child.

NEW SECTION. **Sec. 705.** SURROGACY AGREEMENT—EFFECT OF SUBSEQUENT CHANGE OF MARITAL STATUS. (1) Unless a surrogacy agreement expressly provides otherwise:

(a) The marriage or domestic partnership of a woman acting as a surrogate after the agreement is signed by all parties does not affect the validity of the agreement, her spouse or domestic partner's consent to the agreement is not required, and her spouse or domestic partner is not a presumed parent of a child conceived by assisted reproduction under the agreement; and

(b) The dissolution, annulment, declaration of invalidity, or legal separation of the woman acting as a surrogate after the agreement is signed by all parties does not affect the validity of the agreement.

(2) Unless a surrogacy agreement expressly provides otherwise:

(a) The marriage or domestic partnership of an intended parent after the agreement is signed by all parties does not affect the validity of a surrogacy agreement, the consent of the spouse or domestic partner of the intended parent is not required, and the spouse or domestic partner of the intended parent is not, based on the agreement, a parent of a child conceived by assisted reproduction under the agreement; and

(b) The dissolution, annulment, declaration of invalidity, or legal separation of an intended parent after the agreement is signed by all parties does not affect the validity of the agreement and, except as otherwise provided in section 714 of this act, the intended parents are the parents of the child.

NEW SECTION. **Sec. 706.** INSPECTION OF DOCUMENTS. Unless the court orders otherwise, a petition and any other document related to a surrogacy agreement filed with the court under sections 701 through 718 of this act, are not open to inspection by any individual other than the parties to the proceeding, a child conceived by assisted reproduction under the agreement, their attorneys, and the state registrar of vital statistics. A court may not authorize an individual to inspect a document related to the agreement, unless required by exigent circumstances. The individual seeking to inspect the document may be required to pay the expense of preparing a copy of the document to be inspected.

NEW SECTION. **Sec. 707.** VENUE AND EXCLUSIVE, CONTINUING JURISDICTION. (1) Notwithstanding the provisions of section 505 of this act, venue for a proceeding under this subchapter, sections 701 through 718 of this act, may be in a county of this state in which:

(a) The child resides or is located;

(b) The respondent resides or is located;

(c) An intended parent resides;

(d) A medical evaluation or procedure or mental health consultation under the surrogacy agreement occurred; or

(e) A proceeding has been commenced for administration of the estate of an individual who is or may be a parent under this subchapter.

(2) During the period after the execution of a surrogacy agreement until ninety days after the birth of a child conceived by assisted reproduction under the agreement, a court of this state conducting a proceeding under this chapter has exclusive, continuing jurisdiction over all matters arising out of the agreement. This section does not give the court jurisdiction over a child custody or child support proceeding if jurisdiction is not otherwise authorized by law of this state other than this chapter.

Special Rules for Gestational Surrogacy Agreement

NEW SECTION. **Sec. 708.** TERMINATION OF GESTATIONAL SURROGACY AGREEMENT. (1) A party to a gestational surrogacy agreement may terminate the agreement, at any time before an embryo transfer, by giving notice of termination in a record to all other parties. If an embryo transfer does not result in a pregnancy, a party may terminate the agreement at any time before a subsequent embryo transfer.

(2) Unless a gestational surrogacy agreement provides otherwise, on termination of the agreement under subsection (1) of this section, the parties are released from the agreement, except that each intended parent remains responsible for expenses that are reimbursable under the agreement and incurred by the woman acting as a gestational surrogate through the date of termination.

(3) Except in a case involving fraud, neither a woman acting as a gestational surrogate nor the surrogate's spouse or former spouse, if any, is liable to the intended parent or parents for a penalty or liquidated damages, for terminating a gestational surrogacy agreement under this section.

NEW SECTION. **Sec. 709.** PARENTAGE UNDER GESTATIONAL SURROGACY AGREEMENT. (1) Except as otherwise provided in subsection (3) of this section or section 710(2) or 712 of this act, on birth of a child conceived by assisted reproduction under a gestational surrogacy agreement, each intended parent is, by operation of law, a parent of the child.

(2) Except as otherwise provided in subsection (3) of this section or section 712 of this act, neither a woman acting as a gestational surrogate nor the surrogate's spouse or former spouse, if any, is a parent of the child.

(3) If a child is alleged to be a genetic child of the woman who agreed to be a gestational surrogate, the court shall order genetic testing of the child. If the child is a genetic child of the woman who agreed to be a gestational surrogate, parentage must be determined based on sections 101 through 523 of this act.

(4) Except as otherwise provided in subsection (3) of this section or section 710(2) or 712 of this act, if, due to a clinical or laboratory error, a child conceived by assisted reproduction under a gestational surrogacy agreement is not genetically related to an intended parent or a donor who donated to the intended parent or parents, each intended parent, and not the woman acting as a gestational surrogate and the surrogate's spouse or former spouse, if any, is a parent of the child, subject to any other claim of parentage.

NEW SECTION. **Sec. 710.** GESTATIONAL SURROGACY AGREEMENT—PARENTAGE OF DECEASED INTENDED PARENT. (1) Section 709 of this act applies to an intended parent even if the intended parent died during the period between the transfer of a gamete or embryo and the birth of the child.

(2) Except as otherwise provided in section 712 of this act, an intended parent is not a parent of a child conceived by assisted reproduction under a gestational surrogacy agreement if the intended parent dies before the transfer of a gamete or embryo unless:

(a) The agreement provides otherwise; and

(b) The transfer of a gamete or embryo occurs not later than thirty-six months after the death of the intended parent or birth of the child occurs not later than forty-five months after the death of the intended parent.

NEW SECTION. **Sec. 711.** GESTATIONAL SURROGACY AGREEMENT—ORDER OF PARENTAGE. (1) Except as otherwise provided in section 709(3) or 712 of this act, before, on, or after the birth of a child conceived by assisted reproduction under a gestational surrogacy agreement, a party to the agreement may commence a proceeding in the superior court for an order or judgment:

(a) Declaring that each intended parent is a parent of the child and ordering that parental rights and duties vest immediately on the birth of the child exclusively in each intended parent;

(b) Declaring that the woman acting as a gestational surrogate and the surrogate's spouse or former spouse, if any, are not the parents of the child;

(c) Directing the state registrar of vital statistics to list each intended parent as a parent of the child on the birth record;

(d) To protect the privacy of the child and the parties, declaring that the court record is not open to inspection except as authorized under section 706 of this act;

(e) If necessary, that the child be surrendered to the intended parent or parents; and

(f) For other relief the court determines necessary and proper.

(2) The court may issue an order or judgment under subsection (1) of this section before the birth of the child. The court shall stay enforcement of the order or judgment until the birth of the child.

(3) Neither this state nor the state registrar of vital statistics is a necessary party to a proceeding under subsection (1) of this section.

NEW SECTION. **Sec. 712.** EFFECT OF GESTATIONAL SURROGACY AGREEMENT. (1) A gestational surrogacy agreement that complies with sections 702, 703, and 704 of this act is enforceable.

(2) If a child was conceived by assisted reproduction under a gestational surrogacy agreement that does not comply with sections 702, 703, and 704 of this act, the court shall determine the rights and duties of the parties to the agreement consistent with the intent of the parties at the time of execution of the agreement. Each party to the agreement and any individual who at the time of the execution of the agreement was a spouse of a party to the agreement has standing to maintain a proceeding to adjudicate an issue related to the enforcement of the agreement.

(3) Except as expressly provided in a gestational surrogacy agreement or subsection (4) or (5) of this section, if the agreement is breached by the woman acting as a gestational surrogate or one or more intended parents, the nonbreaching party is entitled to the remedies available at law or in equity.

(4) Specific performance is not a remedy available for breach by a woman acting as a gestational surrogate of a provision in the agreement that the gestational surrogate be impregnated.

(5) Except as otherwise provided in subsection (4) of this section, if an intended parent is determined to be a parent of the child, specific performance is a remedy available for:

(a) Breach of the agreement by a woman acting as a gestational surrogate which prevents the intended parent from exercising immediately on birth of the child the full rights of parentage; or

(b) Breach by the intended parent which prevents the intended parent's acceptance, immediately on birth of the child conceived by assisted reproduction under the agreement, of the duties of parentage.

Special Rules for Genetic Surrogacy Agreement

NEW SECTION. **Sec. 713.** REQUIREMENTS TO VALIDATE GENETIC SURROGACY AGREEMENT. (1) Except as otherwise provided in section 716 of this act, to be enforceable, a genetic surrogacy agreement must be validated by the superior court. A proceeding to validate the agreement must be commenced before assisted reproduction related to the surrogacy agreement.

(2) The court shall issue an order validating a genetic surrogacy agreement if the court finds that:

(a) Sections 702, 703, and 704 of this act are satisfied; and

(b) All parties entered into the agreement voluntarily and understand its terms.

(3) An individual who terminates under section 714 of this act a genetic surrogacy agreement shall file notice of the termination with the court. On receipt of the notice, the court shall vacate any order issued under subsection (2) of this section. An individual who does not notify the court of the termination of the agreement is subject to sanctions.

NEW SECTION. **Sec. 714.** TERMINATION OF GENETIC SURROGACY AGREEMENT. (1) A party to a genetic surrogacy agreement may terminate the agreement as follows:

(a) An intended parent who is a party to the agreement may terminate the agreement at any time before a gamete or embryo transfer by giving notice of termination in a record to all other parties. If a gamete or embryo transfer does not result in a pregnancy, a party may terminate the agreement at any time before a subsequent gamete or embryo transfer. The notice of termination must be attested by a notarial officer or witnessed.

(b) A woman acting as a genetic surrogate who is a party to the agreement may withdraw consent to the agreement any time before forty-eight hours after the birth of a child conceived by assisted reproduction under the agreement. To withdraw consent, the woman acting as a genetic surrogate must execute a notice of termination in a record stating the surrogate's intent to terminate the agreement. The notice of termination must be attested by a notarial officer or

witnessed and be delivered to each intended parent any time before forty-eight hours after the birth of the child.

(2) On termination of the genetic surrogacy agreement under subsection (1) of this section, the parties are released from all obligations under the agreement except that each intended parent remains responsible for all expenses incurred by the woman acting as a surrogate through the date of termination which are reimbursable under the agreement. Unless the agreement provides otherwise, the woman acting as a surrogate is not entitled to any nonexpense related compensation paid for serving as a surrogate.

(3) Except in a case involving fraud, neither a woman acting as a genetic surrogate nor the surrogate's spouse or former spouse, if any, is liable to the intended parent or parents for a penalty or liquidated damages, for terminating a genetic surrogacy agreement under this section.

NEW SECTION. **Sec. 715.** PARENTAGE UNDER VALIDATED GENETIC SURROGACY AGREEMENT. (1) Unless a woman acting as a genetic surrogate exercises the right under section 714 of this act to terminate a genetic surrogacy agreement, each intended parent is a parent of a child conceived by assisted reproduction under an agreement validated under section 713 of this act.

(2) Unless a woman acting as a genetic surrogate exercises the right under section 714 of this act to terminate the genetic surrogacy agreement, on proof of a court order issued under section 713 of this act validating the agreement, the court shall make an order:

(a) Declaring that each intended parent is a parent of a child conceived by assisted reproduction under the agreement and ordering that parental rights and duties vest exclusively in each intended parent;

(b) Declaring that the woman acting as a genetic surrogate and the surrogate's spouse or former spouse, if any, are not parents of the child;

(c) Directing the state registrar of vital statistics to list each intended parent as a parent of the child on the birth record;

(d) To protect the privacy of the child and the parties, declaring that the court record is not open to inspection except as authorized under section 706 of this act;

(e) If necessary, that the child be surrendered to the intended parent or parents; and

(f) For other relief the court determines necessary and proper.

(3) If a woman acting as a genetic surrogate terminates under section 714(1)(b) of this act a genetic surrogacy agreement, parentage of the child conceived by assisted reproduction under the agreement must be determined under sections 101 through 523 of this act.

(4) If a child born to a woman acting as a genetic surrogate is alleged not to have been conceived by assisted reproduction, the court shall order genetic testing to determine the genetic parentage of the child. If the child was not conceived by assisted reproduction, parentage must be determined under sections 101 through 523 of this act. Unless the genetic surrogacy agreement provides otherwise, if the child was not conceived by assisted reproduction the woman acting as a surrogate is not entitled to any nonexpense related compensation paid for serving as a surrogate.

(5) Unless a party exercises the right under section 714 of this act to terminate the genetic surrogacy agreement, the woman acting as a genetic surrogate or the department of social and health services division of child support may file with the court, not later than sixty days after the birth of a child conceived by assisted reproduction under the agreement, notice that the child has been born to the woman acting as a genetic surrogate. Unless the woman acting as a genetic surrogate has properly exercised the right under section 714 of this act to withdraw consent to the agreement, on proof of a court order issued under section 713 of this act validating the agreement, the court shall order that each intended parent is a parent of the child.

NEW SECTION. **Sec. 716.** EFFECT OF NONVALIDATED GENETIC SURROGACY AGREEMENT. (1) A genetic surrogacy agreement, whether or not in a record, that is not validated under section 713 of this act is enforceable only to the extent provided in this section and section 718 of this act.

(2) If all parties agree, a court may validate a genetic surrogacy agreement after assisted reproduction has occurred but before the birth of a child conceived by assisted reproduction under the agreement.

(3) If a child conceived by assisted reproduction under a genetic surrogacy agreement that is not validated under section 713 of this act is born and the woman acting as a genetic surrogate, consistent with section 714(1)(b), withdraws her consent to the agreement before forty-eight hours after the birth of the child, the court shall adjudicate the parentage of the child under sections 101 through 523 of this act.

(4) If a child conceived by assisted reproduction under a genetic surrogacy agreement that is not validated under section 713 of this act is born and a woman acting as a genetic surrogate does not withdraw her consent to the agreement, consistent with section 714(1)(b) of this act, before forty-eight hours after the birth of the child, the woman acting as a genetic surrogate is not automatically a parent and the court shall adjudicate parentage of the child based on the best interest of the child, taking into account the factors in section 513(1) of this act and the intent of the parties at the time of the execution of the agreement.

(5) The parties to a genetic surrogacy agreement have standing to maintain a proceeding to adjudicate parentage under this section.

NEW SECTION. **Sec. 717.** GENETIC SURROGACY AGREEMENT—PARENTAGE OF DECEASED INTENDED PARENT. (1) Except as otherwise provided in section 715 or 716 of this act, on birth of a child conceived by assisted reproduction under a genetic surrogacy agreement, each intended parent is, by operation of law, a parent of the child, notwithstanding the death of an intended parent during the period between the transfer of a gamete or embryo and the birth of the child.

(2) Except as otherwise provided in section 715 or 716 of this act, an intended parent is not a parent of a child conceived by assisted reproduction under a genetic surrogacy agreement if the intended parent dies before the transfer of a gamete or embryo unless:

(a) The agreement provides otherwise; and

(b) The transfer of the gamete or embryo occurs not later than thirty-six months after the death of the intended parent, or birth of the child occurs not later than forty-five months after the death of the intended parent.

NEW SECTION. **Sec. 718.** BREACH OF GENETIC SURROGACY AGREEMENT. (1) Subject to sections 704(1)(g) and 714(2) of this act, if a genetic surrogacy agreement is breached by a woman acting as a genetic surrogate or one or more intended parents, the nonbreaching party is entitled to the remedies available at law or in equity.

(2) Specific performance is not a remedy available for breach by a woman acting as a genetic surrogate of a requirement of a validated or nonvalidated genetic surrogacy agreement that the surrogate be impregnated.

(3) Except as otherwise provided in subsection (2) of this section, specific performance is a remedy available for:

(a) Breach of a validated genetic surrogacy agreement by a woman acting as a genetic surrogate of a requirement which prevents an intended parent from exercising the full rights of parentage forty-eight hours after the birth of the child; or

(b) Breach by an intended parent which prevents the intended parent's acceptance of duties of parentage forty-eight hours after the birth of the child.

SUBCHAPTER 8
INFORMATION ABOUT DONOR

NEW SECTION. **Sec. 801.** DEFINITIONS. The definitions in this section apply throughout sections 801 through 806 of this act, unless the context clearly requires otherwise.

(1) "Identifying information" means:

(a) The full name of a donor;

(b) The date of birth of the donor; and

(c) The permanent and, if different, current address of the donor at the time of the donation.

(2) "Medical history" means information regarding any:

(a) Present illness of a donor;

(b) Past illness of the donor; and

(c) Social, genetic, and family history pertaining to the health of the donor.

NEW SECTION. **Sec. 802.** APPLICABILITY. Sections 801 through 806 of this act apply only to gametes collected on or after the effective date of this section.

NEW SECTION. **Sec. 803.** COLLECTION OF INFORMATION. A gamete bank or fertility clinic licensed in this state shall collect from a donor the donor's identifying information and medical history at the time of the donation. If the gamete bank or fertility clinic sends the gametes of a donor to another gamete bank or fertility clinic, the sending gamete bank or fertility clinic shall forward any identifying information and medical history of the donor, including the donor's signed declaration under section 804 of this act regarding identity disclosure, to the receiving gamete bank or fertility clinic. A receiving gamete bank or fertility clinic licensed in this state shall collect and retain the information about the donor and each sending gamete bank or fertility clinic.

NEW SECTION. **Sec. 804.** DECLARATION REGARDING IDENTITY DISCLOSURE. (1) A gamete bank or fertility clinic licensed in this state which collects gametes from a donor shall:

(a) Provide the donor with information in a record about the donor's choice regarding identity disclosure; and

(b) Obtain a declaration from the donor regarding identity disclosure.

(2) A gamete bank or fertility clinic licensed in this state shall give a donor the choice to sign a declaration, attested by a notarial officer or witnessed, that either:

(a) States that the donor agrees to disclose the donor's identity to a child conceived by assisted reproduction with the donor's gametes on request once the child attains eighteen years of age; or

(b) States that the donor does not agree presently to disclose the donor's identity to the child.

(3) A gamete bank or fertility clinic licensed in this state shall permit a donor who has signed a declaration under subsection (2)(b) of this section to withdraw the declaration at any time by signing a declaration under subsection (2)(a) of this section.

NEW SECTION. **Sec. 805.** DISCLOSURE OF IDENTIFYING INFORMATION AND MEDICAL HISTORY. (1) On request of a child conceived by assisted reproduction who attains eighteen years of age, a gamete bank or fertility clinic licensed in this state which collected, stored, or released for use the gametes used in the assisted reproduction shall make a good faith effort to provide the child with identifying information of the donor who provided the gametes, unless the donor signed and did not withdraw a declaration under section 804(2)(b) of this act. If the donor signed and did not withdraw the declaration, the gamete bank or fertility clinic shall make a good faith effort to notify the donor, who may elect under section 804(3) to withdraw the donor's declaration.

(2) Regardless whether a donor signed a declaration under section 804(2)(b) of this act, on request by a child conceived by assisted reproduction who attains eighteen years of age, or, if the child is a minor, by a parent or guardian of the child, a gamete bank or fertility clinic licensed in this state shall make a good faith effort to provide the child or, if the child is a minor, the parent or guardian of the child, access to nonidentifying medical history of the donor.

NEW SECTION. **Sec. 806.** RECORDKEEPING. A gamete bank or fertility clinic licensed in this state which collects, stores, or releases gametes for use in assisted reproduction shall collect and maintain identifying information and medical history about each gamete donor. The gamete bank or fertility clinic shall collect and maintain records of gamete screening and testing and comply with reporting requirements, in accordance with federal law and applicable law of this state other than this chapter.

SUBCHAPTER 9
MISCELLANEOUS PROVISIONS

NEW SECTION. **Sec. 901.** UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. **Sec. 902.** RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, or supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize

electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

NEW SECTION. **Sec. 903.** TRANSITIONAL PROVISION. This chapter applies to a pending proceeding to adjudicate parentage commenced before the effective date of this section for an issue on which a judgment has not been entered.

NEW SECTION. **Sec. 904.** SEVERABILITY. 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. 905.** REGULATION OF SURROGACY BROKERS. (1) This section applies to surrogacy brokers arranging or facilitating transactions contemplated by a surrogacy agreement under sections 701 through 718 of this act if: (a) A surrogacy broker does business in Washington state; (b) a surrogate who is party to a surrogacy agreement resides in Washington state during the term of the surrogacy agreement; or (c) any medical procedures under the surrogacy agreement are performed in Washington state.

(2) A surrogacy broker to which this section applies:

(a) Must keep all funds paid by or on behalf of the intended parents in a separate, licensed escrow account;

(b) May not be owned or managed, in any part, directly or indirectly by any lawyer representing a party to the surrogacy agreement;

(c) May not pay or receive payment, directly or indirectly, to or from any person licensed to practice law and representing a party to the surrogacy agreement in connection with the referral of any person or party for the purpose of a surrogacy agreement;

(d) May not pay or receive payment, directly or indirectly, to or from any health care provider providing any health services, including assisted reproduction, to a party to the surrogacy agreement; and

(e) May not be owned or managed, in any part, directly or indirectly, by any health care provider providing any health services, including assisted reproduction, to a party to the surrogacy agreement.

(3) For purposes of this section:

(a) The definitions in sections 102 and 701 of this act apply.

(b) "Payment" means any type of monetary compensation or other valuable consideration including but not limited to a rebate, refund, commission, unearned discount, or profit by means of credit or other valuable consideration.

(c) "Surrogacy broker" includes but is not limited to any agency, agent, business, or individual engaged in, arranging, or facilitating transactions contemplated by a surrogacy agreement, regardless of whether that surrogacy agreement ultimately comports with the requirements of chapter 26.--- RCW (the new chapter created in section 908 of this act).

NEW SECTION. **Sec. 906.** Section 905 of this act constitutes a new chapter in Title 19 RCW.

NEW SECTION. **Sec. 907.** REPEALERS—CONFORMING AMENDMENTS. The following acts or parts of acts are each repealed:

(1) RCW 26.26.011 (Definitions) and 2011 c 283 s 1 & 2002 c 302 s 102;

(2) RCW 26.26.021 (Scope of act—Choice of law—Surrogate parentage contracts) and 2011 c 283 s 2 & 2002 c 302 s 103;

(3) RCW 26.26.031 (Courts of this state—Authority) and 2002 c 302 s 104;

(4) RCW 26.26.041 (Protection of participants) and 2011 c 283 s 3 & 2002 c 302 s 105;

(5) RCW 26.26.051 (Determination of parentage) and 2011 c 283 s 4 & 2002 c 302 s 106;

(6) RCW 26.26.101 (Establishment of parent-child relationship) and 2011 c 283 s 5 & 2002 c 302 s 201;

(7) RCW 26.26.106 (No discrimination based on marital or domestic partnership status) and 2011 c 283 s 6 & 2002 c 302 s 202;

(8) RCW 26.26.111 (Consequences of establishment of parentage) and 2011 c 283 s 7 & 2002 c 302 s 203;

(9) RCW 26.26.116 (Presumption of parentage in context of marriage or domestic partnership) and 2011 c 283 s 8 & 2002 c 302 s 204;

(10) RCW 26.26.210 (Surrogate parenting—Definitions) and 1989 c 404 s 1;

(11) RCW 26.26.220 (Surrogate parenting—Persons excluded from contracting) and 2010 c 94 s 7 & 1989 c 404 s 2;

(12) RCW 26.26.230 (Surrogate parenting—Compensation prohibited) and 1989 c 404 s 3;

(13) RCW 26.26.240 (Surrogate parenting—Contract for compensation void) and 1989 c 404 s 4;

(14) RCW 26.26.250 (Surrogate parenting—Provisions violated—Penalty) and 1989 c 404 s 5;

(15) RCW 26.26.260 (Surrogate parenting—Custody of child) and 1989 c 404 s 6;

(16) RCW 26.26.300 (Acknowledgment of paternity) and 2011 c 283 s 11 & 2002 c 302 s 301;

(17) RCW 26.26.305 (Execution of acknowledgment of paternity) and 2011 c 283 s 12 & 2002 c 302 s 302;

(18) RCW 26.26.310 (Denial of paternity) and 2011 c 283 s 13 & 2002 c 302 s 303;

(19) RCW 26.26.315 (Rules for acknowledgment and denial of paternity) and 2011 c 283 s 14 & 2002 c 302 s 304;

(20) RCW 26.26.320 (Effect of acknowledgment or denial of paternity) and 2011 c 283 s 15 & 2002 c 302 s 305;

(21) RCW 26.26.325 (Filing fee for acknowledgment or denial of paternity) and 2002 c 302 s 306;

(22) RCW 26.26.330 (Proceeding for rescission of acknowledgment or denial of paternity) and 2011 c 283 s 16, 2004 c 111 s 1, & 2002 c 302 s 307;

(23) RCW 26.26.335 (Challenge after expiration of time for rescission of acknowledgment or denial of paternity) and 2011 c 283 s 17 & 2002 c 302 s 308;

(24) RCW 26.26.340 (Procedure for rescission or challenge of acknowledgment or denial of paternity) and 2011 c 283 s 18 & 2002 c 302 s 309;

(25) RCW 26.26.345 (Ratification barred of unchallenged acknowledgment of paternity) and 2002 c 302 s 310;

(26) RCW 26.26.350 (Full faith and credit) and 2002 c 302 s 311;

(27) RCW 26.26.355 (Forms for acknowledgment and denial of paternity) and 2002 c 302 s 312;

(28) RCW 26.26.360 (Release of information) and 2011 c 283 s 19 & 2002 c 302 s 313;

(29) RCW 26.26.365 (Adoption of rules) and 2002 c 302 s 314;

(30) RCW 26.26.370 (Acknowledgment of paternity—Application of RCW 26.26.300 through 26.26.375—Adjudication) and 2002 c 302 s 315;

(31) RCW 26.26.375 (Judicial proceedings) and 2011 c 283 s 20 & 2002 c 302 s 316;

(32) RCW 26.26.400 (Genetic testing—Application of RCW 26.26.405 through 26.26.450) and 2011 c 283 s 21 & 2002 c 302 s 401;

(33) RCW 26.26.405 (Order for genetic testing) and 2011 c 283 s 22 & 2002 c 302 s 402;

(34) RCW 26.26.410 (Requirements for genetic testing) and 2011 c 283 s 23 & 2002 c 302 s 403;

(35) RCW 26.26.415 (Report of genetic testing) and 2002 c 302 s 404;

(36) RCW 26.26.420 (Genetic testing results—Rebuttal) and 2011 c 283 s 24 & 2002 c 302 s 405;

(37) RCW 26.26.425 (Costs of genetic testing) and 2011 c 283 s 25 & 2002 c 302 s 406;

(38) RCW 26.26.430 (Additional genetic testing) and 2011 c 283 s 26 & 2002 c 302 s 407;

(39) RCW 26.26.435 (Genetic testing when specimen not available) and 2011 c 283 s 27 & 2002 c 302 s 408;

(40) RCW 26.26.440 (Genetic testing—Deceased individual) and 2002 c 302 s 409;

(41) RCW 26.26.445 (Genetic testing—Identical brothers) and 2011 c 283 s 28 & 2002 c 302 s 410;

(42) RCW 26.26.450 (Confidentiality of genetic testing—Penalty) and 2002 c 302 s 411;

(43) RCW 26.26.500 (Proceeding to adjudicate parentage authorized) and 2002 c 302 s 501;

(44) RCW 26.26.505 (Standing to maintain proceeding to adjudicate parentage) and 2011 c 283 s 29 & 2002 c 302 s 502;

(45) RCW 26.26.510 (Parties to proceeding to adjudicate parentage) and 2011 c 283 s 30 & 2002 c 302 s 503;

(46) RCW 26.26.515 (Proceeding to adjudicate parentage—Personal jurisdiction) and 2002 c 302 s 504;

(47) RCW 26.26.520 (Proceeding to adjudicate parentage—Venue) and 2002 c 302 s 505;

(48) RCW 26.26.525 (Proceeding to adjudicate parentage—No time limitation: Child having no presumed or adjudicated second parent and no acknowledged father) and 2011 c 283 s 31 & 2002 c 302 s 506;

(49) RCW 26.26.530 (Proceeding to adjudicate parentage—Time limitation: Child having presumed parent) and 2011 c 283 s 32 & 2002 c 302 s 507;

(50) RCW 26.26.535 (Proceeding to adjudicate parentage—Authority to deny genetic testing) and 2011 c 283 s 33 & 2002 c 302 s 508;

(51) RCW 26.26.540 (Proceeding to adjudicate parentage—Time limitation: Child having acknowledged father or adjudicated parent) and 2011 c 283 s 34 & 2002 c 302 s 509;

(52) RCW 26.26.545 (Joinder of proceedings) and 2011 c 283 s 35 & 2002 c 302 s 510;

(53) RCW 26.26.550 (Proceeding to adjudicate parentage—Before birth) and 2011 c 283 s 36 & 2002 c 302 s 511;

(54) RCW 26.26.555 (Child as party—Representation) and 2011 c 283 s 37 & 2002 c 302 s 512;

(55) RCW 26.26.570 (Proceeding to adjudicate parentage—Admissibility of results of genetic testing—Expenses) and 2011 c 283 s 38 & 2002 c 302 s 521;

(56) RCW 26.26.575 (Proceeding to adjudicate parentage—Consequences of declining genetic testing) and 2011 c 283 s 39 & 2002 c 302 s 522;

(57) RCW 26.26.585 (Proceeding to adjudicate parentage—Admission of paternity authorized) and 2011 c 283 s 40 & 2002 c 302 s 523;

(58) RCW 26.26.590 (Proceeding to adjudicate parentage—Temporary order) and 2011 c 283 s 41 & 2002 c 302 s 524;

(59) RCW 26.26.600 (Rules for adjudication of parentage) and 2011 c 283 s 42 & 2002 c 302 s 531;

(60) RCW 26.26.605 (Proceeding to adjudicate parentage—Jury prohibited) and 2002 c 302 s 532;

(61) RCW 26.26.610 (Proceeding to determine parentage—Hearings—Inspection of records) and 2013 c 246 s 3 & 2002 c 302 s 533;

(62) RCW 26.26.615 (Adjudication of paternity—Order on default) and 2002 c 302 s 534;

(63) RCW 26.26.620 (Dismissal for want of prosecution) and 2011 c 283 s 43 & 2002 c 302 s 535;

(64) RCW 26.26.625 (Order adjudicating parentage) and 2011 c 283 s 44 & 2002 c 302 s 536;

(65) RCW 26.26.630 (Binding effect of determination of parentage) and 2011 c 283 s 45 & 2002 c 302 s 537;

(66) RCW 26.26.700 (Application of RCW 26.26.705 through 26.26.740) and 2002 c 302 s 601;

(67) RCW 26.26.705 (Child of assisted reproduction—Parental status of donor) and 2011 c 283 s 46 & 2002 c 302 s 602;

(68) RCW 26.26.710 (Parentage of child of assisted reproduction) and 2011 c 283 s 47 & 2002 c 302 s 603;

(69) RCW 26.26.715 (Consent to assisted reproduction) and 2011 c 283 s 48 & 2002 c 302 s 604;

(70) RCW 26.26.720 (Child of assisted reproduction—Limitation on dispute of parentage) and 2011 c 283 s 49 & 2002 c 302 s 605;

(71) RCW 26.26.725 (Child of assisted reproduction—Effect of dissolution of marriage or domestic partnership) and 2011 c 283 s 50 & 2002 c 302 s 606;

(72) RCW 26.26.730 (Child of assisted reproduction—Parental status of deceased individual) and 2011 c 283 s 51 & 2002 c 302 s 607;

(73) RCW 26.26.735 (Child of assisted reproduction—Effect of agreement between egg donor and woman who gives birth) and 2011 c 283 s 52 & 2002 c 302 s 608;

(74) RCW 26.26.740 (Child of assisted reproduction—Issuance of birth certificate) and 2002 c 302 s 609;

(75) RCW 26.26.750 (Identifying information—Requirement to provide—Disclosure) and 2011 c 283 s 53;

(76) RCW 26.26.760 (Sexual assault resulting in pregnancy—Parental rights and responsibilities) and 2017 c 234 s 1;

(77) RCW 26.26.903 (Uniformity of application and construction—2002 c 302) and 2011 c 283 s 54 & 2002 c 302 s 709;

(78) RCW 26.26.904 (Transitional provision) and 2002 c 302 s 712;

(79) RCW 26.26.911 (Short title—2002 c 302) and 2011 c 283 s 55 & 2002 c 302 s 101; and

(80) RCW 26.26.914 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521) and 2009 c 521 s 67.

NEW SECTION. **Sec. 908.** LEGISLATIVE DIRECTIVE. Sections 101 through 903 of this act constitute a new chapter in Title 26 RCW, with the following subchapters:

(1) Sections 101 through 107 of this act must be codified under the subchapter heading "general provisions."

(2) Sections 201 through 206 of this act must be codified under the subchapter heading "parent-child relationship."

(3) Sections 301 through 314 of this act must be codified under the subchapter heading "voluntary acknowledgment of parentage."

(4) Sections 401 through 412 of this act must be codified under the subchapter heading "genetic testing."

(5)(a) Sections 501 through 523 of this act must be codified under the subchapter heading "proceeding to adjudicate parentage."

(b) Sections 501 through 505 of this act must be codified under the subchapter heading "proceeding to adjudicate parentage" with the subheading "nature of proceeding."

(c) Sections 506 through 514 of this act must be codified under the subchapter heading "proceeding to adjudicate parentage" with the subheading "special rules for proceeding to adjudicate parentage."

(d) Sections 515 through 523 of this act must be codified under the subchapter heading "proceeding to adjudicate parentage" with the subheading "hearing and adjudication."

(6) Sections 601 through 608 of this act must be codified under the subchapter heading "assisted reproduction."

(7)(a) Sections 701 through 718 of this act must be codified under the subchapter heading "surrogacy agreement."

(b) Sections 701 through 707 of this act must be codified under the subchapter heading "surrogacy agreement" with the subheading "general requirements."

(c) Sections 708 through 712 of this act must be codified under the subchapter heading "surrogacy agreement" with the subheading "special rules for gestational surrogacy agreement."

(d) Sections 713 through 718 of this act must be codified under the subchapter heading "surrogacy agreement" with the subheading "special rules for genetic surrogacy agreement."

(8) Sections 801 through 806 of this act must be codified under the subchapter heading "information about donor."

(9) Sections 901 through 903 of this act must be codified under the subchapter heading "miscellaneous provisions."

NEW SECTION. **Sec. 909.** This act takes effect January 1, 2019.

Passed by the Senate February 7, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 6, 2018.
Filed in Office of Secretary of State March 6, 2018.

CHAPTER 7

[Engrossed Senate Bill 5992]

BUMP-FIRE STOCKS

AN ACT Relating to bump-fire stock; amending RCW 9.41.190, 9.41.190, 9.41.220, 9.41.225, 9.94A.475, 9.94A.533, and 13.40.193; reenacting and amending RCW 9.41.010 and 9.94A.515; adding a new section to chapter 43.43 RCW; prescribing penalties; providing effective dates; and providing expiration dates.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 9.41.010 and 2017 c 264 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions 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.

((~~(4)~~)) (5) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

((~~(5)~~)) (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.

((~~(6)~~)) (7) "Family or household member" means "family" or "household member" as used in RCW 10.99.020.

((~~(7)~~)) (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.

((~~(8)~~)) (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.

((~~(9)~~)) (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.

((~~(10)~~)) (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.

((~~(11)~~)) (12) "Gun" has the same meaning as firearm.

((~~(12)~~)) (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.

((~~(13)~~)) (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).

(((~~(14)~~))) (15) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

(((~~(15)~~))) (16) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

(((~~(16)~~))) (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.

(((~~(17)~~))) (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.

(((~~(18)~~))) (19) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

(((~~(19)~~))) (20) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

(((~~(20)~~))) (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.

(((~~(21)~~))) (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.

(((~~(22)~~))) (23) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

(((~~(23)~~))) (24) "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 driving 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.

(((~~(24)~~))) (25) "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.

(((~~(25)~~))) (26) "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.

(((~~(26)~~))) (27) "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.

(((~~(27)~~))) (28) "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.

(((~~(28)~~))) (29) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

Sec. 2. RCW 9.41.190 and 2016 c 214 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this section, it is unlawful for any person to:

(a) Manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any machine gun, short-barreled shotgun, or short-barreled rifle;

(b) Manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any part designed and intended solely and exclusively for use in a machine gun, short-barreled shotgun, or short-barreled rifle, or in converting a weapon into a machine gun, short-barreled shotgun, or short-barreled rifle; ((~~or~~))

(c) Assemble or repair any machine gun, short-barreled shotgun, or short-barreled rifle; or

(d) Manufacture or sell a bump-fire stock.

(2) It is not unlawful for a person to manufacture, own, buy, sell, loan, furnish, transport, assemble, or repair, or have in possession or under control, a short-barreled rifle, or any part designed or intended solely and exclusively for use in a short-barreled rifle or in converting a weapon into a short-barreled rifle, if the person is in compliance with applicable federal law.

(3) Subsection (1) of this section shall not apply to:

(a) Any peace officer in the discharge of official duty or traveling to or from official duty, or to any officer or member of the armed forces of the United States or the state of Washington in the discharge of official duty or traveling to or from official duty; or

(b) A person, including an employee of such person if the employee has undergone fingerprinting and a background check, who or which is exempt from or licensed under federal law, and engaged in the production, manufacture, repair, or testing of machine guns, bump-fire stocks, short-barreled shotguns, or short-barreled rifles:

(i) To be used or purchased by the armed forces of the United States;

(ii) To be used or purchased by federal, state, county, or municipal law enforcement agencies; or

(iii) For exportation in compliance with all applicable federal laws and regulations.

(4) It shall be an affirmative defense to a prosecution brought under this section that the machine gun or short-barreled shotgun was acquired prior to July 1, 1994, and is possessed in compliance with federal law.

(5) Any person violating this section is guilty of a class C felony.

Sec. 3. RCW 9.41.190 and 2016 c 214 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this section, it is unlawful for any person to:

(a) Manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any machine gun, bump-fire stock, short-barreled shotgun, or short-barreled rifle;

(b) Manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any part designed and intended solely and exclusively for use in a machine gun, bump-fire stock, short-barreled shotgun, or short-barreled rifle, or in converting a weapon into a machine gun, short-barreled shotgun, or short-barreled rifle; or

(c) Assemble or repair any machine gun, bump-fire stock, short-barreled shotgun, or short-barreled rifle.

(2) It is not unlawful for a person to manufacture, own, buy, sell, loan, furnish, transport, assemble, or repair, or have in possession or under control, a short-barreled rifle, or any part designed or intended solely and exclusively for use in a short-barreled rifle or in converting a weapon into a short-barreled rifle, if the person is in compliance with applicable federal law.

(3) Subsection (1) of this section shall not apply to:

(a) Any peace officer in the discharge of official duty or traveling to or from official duty, or to any officer or member of the armed forces of the United States

or the state of Washington in the discharge of official duty or traveling to or from official duty; or

(b) A person, including an employee of such person if the employee has undergone fingerprinting and a background check, who or which is exempt from or licensed under federal law, and engaged in the production, manufacture, repair, or testing of machine guns, bump-fire stocks, short-barreled shotguns, or short-barreled rifles:

(i) To be used or purchased by the armed forces of the United States;

(ii) To be used or purchased by federal, state, county, or municipal law enforcement agencies; or

(iii) For exportation in compliance with all applicable federal laws and regulations.

(4) It shall be an affirmative defense to a prosecution brought under this section that the machine gun or short-barreled shotgun was acquired prior to July 1, 1994, and is possessed in compliance with federal law.

(5) Any person violating this section is guilty of a class C felony.

Sec. 4. RCW 9.41.220 and 1994 sp.s. c 7 s 421 are each amended to read as follows:

All machine guns, bump-fire stocks, short-barreled shotguns, or short-barreled rifles, or any part designed and intended solely and exclusively for use in a machine gun, short-barreled shotgun, or short-barreled rifle, or in converting a weapon into a machine gun, short-barreled shotgun, or short-barreled rifle, illegally held or illegally possessed are hereby declared to be contraband, and it shall be the duty of all peace officers, and/or any officer or member of the armed forces of the United States or the state of Washington, to seize said machine gun, bump-fire stock, short-barreled shotgun, or short-barreled rifle, or parts thereof, wherever and whenever found.

Sec. 5. RCW 9.41.225 and 1989 c 231 s 3 are each amended to read as follows:

(1) It is unlawful for a person, in the commission or furtherance of a felony other than a violation of RCW 9.41.190, to discharge a machine gun or to menace or threaten with a machine gun, another person.

(2) It is unlawful for a person, in the commission or furtherance of a felony other than a violation of RCW 9.41.190, to discharge a firearm containing a bump-fire stock or to menace or threaten another person with a firearm containing a bump-fire stock.

(3) A violation of this section shall be punished as a class A felony under chapter 9A.20 RCW.

Sec. 6. RCW 9.94A.475 and 2012 c 183 s 2 are each amended to read as follows:

Any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes shall be made and retained as public records if the felony crime involves:

(1) Any violent offense as defined in this chapter;

(2) Any most serious offense as defined in this chapter;

(3) Any felony with a deadly weapon special verdict under RCW 9.94A.825;

(4) Any felony with any deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both;

(5) The felony crimes of possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun or bump-fire stock in a felony; or

(6) The felony crime of driving a motor vehicle while under the influence of intoxicating liquor or any drug as defined in RCW 46.61.502, and felony physical control of a motor vehicle while under the influence of intoxicating liquor or any drug as defined in RCW 46.61.504.

Sec. 7. RCW 9.94A.515 and 2017 c 335 s 4, 2017 c 292 s 3, 2017 c 272 s 10, and 2017 c 266 s 8 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(3))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Assault of a Child 2 (RCW 9A.36.130)
	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run—Death (RCW 46.52.020(4)(a))
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Robbery 1 (RCW 9A.56.200)
	Sexual Exploitation (RCW 9.68A.040)
VIII	Arson 1 (RCW 9A.48.020)
	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
	Manslaughter 2 (RCW 9A.32.070)

	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
	Promoting Prostitution 1 (RCW 9A.88.070)
	Theft of Ammonia (RCW 69.55.010)
VII	Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
	Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
	Burglary 1 (RCW 9A.52.020)
	Child Molestation 2 (RCW 9A.44.086)
	Civil Disorder Training (RCW 9A.48.120)
	Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
	Drive-by Shooting (RCW 9A.36.045)
	Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
	Introducing Contraband 1 (RCW 9A.76.140)
	Malicious placement of an explosive 3 (RCW 70.74.270(3))
	Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))
	Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
	((~~Sale [of]~~)) Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))

	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
	Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
	Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
	Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)
	Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
VI	Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
	Bribery (RCW 9A.68.010)
	Incest 1 (RCW 9A.64.020(1))
	Intimidating a Judge (RCW 9A.72.160)
	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
	Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
	Rape of a Child 3 (RCW 9A.44.079)
	Theft of a Firearm (RCW 9A.56.300)
	Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))
	Unlawful Storage of Ammonia (RCW 69.55.020)
V	Abandonment of Dependent Person 2 (RCW 9A.42.070)
	Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
	Air bag diagnostic systems (RCW 46.37.660(2)(c))
	Air bag replacement requirements (RCW 46.37.660(1)(c))

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

((~~Sale [of]~~)) Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))

Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Driving While Under the Influence (RCW 46.61.502(6))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run—Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Malicious Harassment (RCW 9A.36.080)

Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Trafficking in Stolen Property 1 (RCW 9A.82.050)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))

Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))

Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))

Unlawful transaction of insurance business (RCW 48.15.023(3))

Unlicensed practice as an insurance professional (RCW 48.17.063(2))

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))

Willful Failure to Return from Furlough (RCW 72.66.060)

III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))

Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Custodial Assault (RCW 9A.36.100)

Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW 81.60.070)

Mortgage Fraud (RCW 19.144.080)

Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)

Organized Retail Theft 1 (RCW 9A.56.350(2))

Perjury 2 (RCW 9A.72.030)

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun, Bump-fire Stock, or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))

Theft of Livestock 2 (RCW 9A.56.083)

Theft with the Intent to Resell 1 (RCW 9A.56.340(2))

Trafficking in Stolen Property 2 (RCW 9A.82.055)

Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful Misbranding of Food Fish or Shellfish 1 (RCW 69.04.938(3))

Unlawful possession of firearm in the second degree (RCW 9.41.040(2))

Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))

Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
	Willful Failure to Return from Work Release (RCW 72.65.070)
II	Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
	Computer Trespass 1 (RCW 9A.90.040)
	Counterfeiting (RCW 9.16.035(3))
	Electronic Data Service Interference (RCW 9A.90.060)
	Electronic Data Tampering 1 (RCW 9A.90.080)
	Electronic Data Theft (RCW 9A.90.100)
	Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
	Escape from Community Custody (RCW 72.09.310)
	Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
	Health Care False Claims (RCW 48.80.030)
	Identity Theft 2 (RCW 9.35.020(3))
	Improperly Obtaining Financial Information (RCW 9.35.010)
	Malicious Mischief 1 (RCW 9A.48.070)
	Organized Retail Theft 2 (RCW 9A.56.350(3))
	Possession of Stolen Property 1 (RCW 9A.56.150)
	Possession of a Stolen Vehicle (RCW 9A.56.068)
	Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
	Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)
	Theft 1 (RCW 9A.56.030)

	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
	Theft of a Motor Vehicle (RCW 9A.56.065)
	Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))
	Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
	Trafficking in Insurance Claims (RCW 48.30A.015)
	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
	Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
	Unlawful Practice of Law (RCW 2.48.180)
	Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
	Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
	Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
	Voyeurism 1 (RCW 9A.44.115)
I	Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
	False Verification for Welfare (RCW 74.08.055)
	Forgery (RCW 9A.60.020)
	Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
	Malicious Mischief 2 (RCW 9A.48.080)
	Mineral Trespass (RCW 78.44.330)
	Possession of Stolen Property 2 (RCW 9A.56.160)
	Reckless Burning 1 (RCW 9A.48.040)

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Spotlighting Big Game 1 (RCW 77.15.450(3)(b))

Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))

Sec. 8. RCW 9.94A.533 and 2016 c 203 s 7 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this

section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously

been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor

or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an

occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(14) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

Sec. 9. RCW 13.40.193 and 2014 c 117 s 1 are each amended to read as follows:

(1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(2)(a)(((~~(iii)~~))) (iv), the court shall impose a minimum disposition of ten days of confinement. If the offender's standard range of disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2)(a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(b) For purposes of this section, "qualifying program" means an aggression replacement training program, a functional family therapy program, or another program applicable to the juvenile firearm offender population that has been identified as evidence-based or research-based and cost-beneficial in the current list prepared at the direction of the legislature by the Washington state institute for public policy.

(3) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine gun or bump-fire stock, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun or bump-fire stock in a felony, the following periods of total confinement must be added to the sentence: For a class A felony, six months; for a class B felony, four months; and for a class C felony, two months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357.

(4) When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

(5) Any term of confinement ordered pursuant to this section shall run consecutively to any term of confinement imposed in the same disposition for other offenses.

NEW SECTION. **Sec. 10.** A new section is added to chapter 43.43 RCW to read as follows:

(1) The Washington state patrol shall establish and administer a bump-fire stock buy-back program to allow a person in possession of a bump-fire stock to relinquish the device to the Washington state patrol or a participating local law enforcement agency in exchange for a monetary payment established under this section. The Washington state patrol shall adopt rules to implement the bump-fire stock buy-back program according to the following standards:

(a) The buy-back program must be implemented between July 1, 2018, and June 30, 2019, at locations in regions throughout the state.

(b) The buy-back program must allow an individual to relinquish a bump-fire stock to the Washington state patrol or a local law enforcement agency participating in the program in exchange for a monetary payment of one hundred fifty dollars. The Washington state patrol shall coordinate with local law enforcement agencies in implementing the program.

(c) The Washington state patrol shall establish the method for providing the monetary payment and reimbursing a participating law enforcement agency for payments made to individuals under the buy-back program.

(d) The buy-back program is subject to the availability of funds appropriated for this specific purpose. This section does not create a right or entitlement in a person to receive a monetary payment under the buy-back program.

(e) The Washington state patrol and participating law enforcement agencies shall establish guidelines for the destruction or other disposition of bump-fire stocks relinquished under this section.

(2) This section expires January 1, 2020.

NEW SECTION. **Sec. 11.** (1) Sections 1 and 2 of this act take effect July 1, 2018.

(2) Sections 3 through 9 of this act take effect July 1, 2019.

NEW SECTION. **Sec. 12.** Section 2 of this act expires July 1, 2019.

Passed by the Senate February 27, 2018.
Passed by the House February 23, 2018.
Approved by the Governor March 6, 2018.
Filed in Office of Secretary of State March 6, 2018.

CHAPTER 8

[Second Engrossed Substitute House Bill 1508]
STUDENT MEAL AND NUTRITION PROGRAMS

AN ACT Relating to promoting student health and readiness through meal and nutrition programs; amending RCW 28A.150.205 and 28A.235.150; adding new sections to chapter 28A.235 RCW; creating new sections; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) The legislature finds that thoughtful and evidence-based school food programs are associated with improved outcomes for students, including reductions in tardiness, absenteeism, suspensions, and reported illnesses and visits to nurses' offices. The legislature further finds that thoughtful and evidence-based school food programs are also associated with improved student results on standardized tests and improved graduation rates.

(2) The legislature acknowledges that existing school-related farm programs play an important role in helping students to better understand the relationships between academics, food, farming, and good health.

(3) The legislature finds that the purpose of sections 1 through 7 of this act is to achieve the public policy benefits specified in subsection (1) of this section: Improved student outcomes. To do so, the legislature intends to:

(a) Expand opportunities for students to have a healthy breakfast by requiring schools with large populations of qualifying low-income students to offer breakfast after the bell programs, a program model that has increased breakfast participation rates in other states; and

(b) Increase support for school-related farm programs that have proven successful in supporting students through policies that, among other benefits, promote student health and readiness through healthy local foods and school garden projects; and

(c) Conduct an analysis of breakfast after the bell programs established in accordance with section 3 of this act.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.235 RCW to read as follows:

The definitions in this section apply throughout sections 3 through 4 of this act unless the context clearly requires otherwise.

(1) "Breakfast after the bell" means a breakfast that is offered to students after the beginning of the school day. Examples of breakfast after the bell models include, but are not limited to:

(a) "Grab and go," where easy-to-eat breakfast foods are available for students to take at the start of the school day or in between morning classes;

(b) "Second chance breakfast," where breakfast foods are available during recess, a nutrition break, or later in the morning, for students who are not hungry first thing in the morning, or who arrive late to school; and

(c) "Breakfast in the classroom," where breakfast is served in the classroom, often during homeroom or first period.

(2) "Eligible for free or reduced-price meals" means a student who is eligible under the national school lunch program or school breakfast program to receive lunch or breakfast at no cost to the student or at a reduced cost to the student.

(3) "High-needs school" means any public school: (a) That has enrollment of seventy percent or more students eligible for free or reduced-price meals in the prior school year; or (b) that is using provision two of the national school lunch act or the community eligibility provision under section 104(a) of the federal healthy, hunger-free kids act of 2010 to provide universal meals and that has a claiming percentage for free or reduced-price meals of seventy percent or more.

(4) "Public school" has the same meaning as provided in RCW 28A.150.010.

(5) "School breakfast program" means a program meeting federal requirements under 42 U.S.C. Sec. 1773.

(6) "School lunch program" means a program meeting federal requirements under 42 U.S.C. Sec. 1751.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.235 RCW to read as follows:

(1)(a) In accordance with section 6 of this act and except as provided in subsection (2) of this section, beginning in the 2019-20 school year, each high-needs school shall offer breakfast after the bell to each student and provide adequate time for students to consume the offered food.

(b) Public schools that are not obligated by this section to offer breakfast after the bell are encouraged to do so. Nothing in this section is intended to prevent a high-needs school from implementing a breakfast after the bell program before the 2019-20 school year.

(2) High-needs schools with at least seventy percent of free or reduced-price eligible children participating in both school lunch and school breakfast are exempt from the provisions of subsection (1) of this section. The office of the superintendent of public instruction shall evaluate individual participation rates annually, and make the participation rates publicly available.

(3) Each high-needs school may determine the breakfast after the bell service model that best suits its students. Service models include, but are not limited to, breakfast in the classroom, grab and go breakfast, and second chance breakfast.

(4) All breakfasts served in a breakfast after the bell program must comply with federal meal patterns and nutrition standards for school breakfast programs under the federal healthy, hunger-free kids act of 2010, (P.L. 111-296) and any federal regulations implementing that act. By December 1, 2018, and as needed thereafter, the office of the superintendent of public instruction must develop and distribute best practices and provide technical assistance to school districts on strategies for selecting food items that are low in added sugar. When choosing foods to serve in a breakfast after the bell program, schools must give preference to foods that are healthful and fresh, and if feasible, give preference to Washington-grown food.

(5) Subject to the availability of amounts appropriated for this specific purpose, the superintendent of public instruction shall administer one-time start-up allocation grants to each high-needs school implementing a breakfast after the bell program under this section. Grant funds provided under this section must be used for the costs associated with launching a breakfast after the bell program, including but not limited to equipment purchases, training, additional staff costs, and janitorial services.

(6) The legislature does not intend to include the breakfast after the bell programs under this section, including the provision of breakfast, within the definition or funding of the program of basic education under Article IX of the state Constitution.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.235 RCW to read as follows:

(1) Before January 2, 2019, the office of the superintendent of public instruction shall develop and distribute procedures and guidelines for the

implementation of section 3 of this act that comply with federal regulations governing the school breakfast program. The guidelines and procedures must include ways schools and districts can solicit and consider the input of families regarding implementation and continued operation of breakfast after the bell programs. The guidelines and procedures must also include recommendations and best practices for designing, implementing, and operating breakfast after the bell programs that are based upon the implementation and operational experiences of schools of differing sizes and in different geographic regions of the state that have implemented breakfast after the bell programs.

(2) The office of the superintendent of public instruction shall offer training and technical and marketing assistance to all public schools and school districts related to offering breakfast after the bell, including assistance with various funding options available to high-needs schools such as the community eligibility provision under 42 U.S.C. Sec. 1759a(a)(1), programs under provision two of the national school lunch act, and claims for reimbursement under the school breakfast program.

(3) In accordance with this section, the office of the superintendent of public instruction shall collaborate with nonprofit organizations knowledgeable about equity, the opportunity gap, hunger and food security issues, and best practices for improving student access to school breakfast. The office shall maintain a list of opportunities for philanthropic support of school breakfast programs and make the list available to schools interested in breakfast after the bell programs.

(4) The office of the superintendent of public instruction shall incorporate the annual collection of information about breakfast after the bell delivery models into existing data systems and make the information publicly available.

Sec. 5. RCW 28A.150.205 and 1992 c 141 s 502 are each amended to read as follows:

Unless the context clearly requires otherwise, the definition in this section applies throughout RCW 28A.150.200 through 28A.150.295.

(1) "Instructional hours" means those hours students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess, and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals.

(2)(a) If students are provided the opportunity to engage in educational activity that is part of the regular instructional program concurrently with the consumption of breakfast, the period of time designated for student participation in breakfast after the bell, as defined in section 2 of this act, must be considered instructional hours.

(b) Breakfast after the bell programs, as defined in section 2 of this act, including the provision of breakfast, are not considered part of the definition or funding of the program of basic education under Article IX of the state Constitution.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.235 RCW to read as follows:

The office of the superintendent of public instruction, school districts, and affected schools shall implement sections 2 through 4, chapter . . . , Laws of 2018 (sections 2 through 4 of this act) only in years in which funding is specifically provided for the purposes of chapter . . ., Laws of 2018 (this act), referencing chapter . . . , Laws of 2018 (this act) by bill or chapter number or statutory references, in a biennial or supplemental operating budget.

Sec. 7. RCW 28A.235.150 and 1993 c 333 s 3 are each amended to read as follows:

(1)(a) To the extent funds are appropriated for this specific purpose, the superintendent of public instruction may award grants to school districts to:

(i) Increase awareness of and participation in school breakfast and lunch programs((~~, to~~)), including breakfast after the bell programs;

(ii) Improve program quality((~~, and to~~)), including the nutritional content of program food and the promotion of nutritious food choices by students;

(iii) Promote innovative school-based programs, including but not limited to developing gardens that provide produce used in school breakfast or lunch programs; and

(iv) Improve the equipment and facilities used in the programs.

(b) If applicable, school districts shall demonstrate that they have applied for applicable federal funds before applying for funds under this subsection.

(2) To the extent funds are appropriated for this specific purpose, the superintendent of public instruction shall increase the state support for school breakfasts and lunches, including breakfast after the bell programs.

(3) As used in this section, "breakfast after the bell" has the definition in section 2 of this act.

NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.235 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction may coordinate with the department of agriculture to promote and facilitate new and existing regional markets programs, including farm-to-school initiatives established in accordance with RCW 15.64.060, and small farm direct marketing assistance in accordance with RCW 15.64.050. In coordinating with the department of agriculture, the office of the superintendent of public instruction is encouraged to provide technical assistance, including outreach and best practices strategies, to school districts with farm-to-school initiatives.

(2) Subject to the availability of amounts appropriated for this specific purpose, the regional markets programs of the department of agriculture must be a centralized connection point for schools and other institutions for accessing and sharing information, tools, ideas, and best practices for purchasing Washington-grown food.

(a) In accordance with this subsection (2), program staff from the department of agriculture may provide:

(i) Scale-appropriate information and resources to farms to help them respond to the growing demand for local and direct marketed products; and

(ii) Targeted technical assistance to farmers, food businesses, and buyers, including schools, about business planning, access to markets, product

development, distribution infrastructure, and sourcing, procuring, and promoting Washington-grown foods.

(b) In accordance with this subsection (2), program staff from the department of agriculture may provide technical assistance to:

(i) Support new and existing farm businesses;

(ii) Maintain the economic viability of farms;

(iii) Support compliance with applicable federal, state, and local requirements; and

(iv) Support access and preparation efforts for competing in markets that are a good fit for their scale and products, including schools and public institutions, and direct-to-consumer markets that include, but are not limited to, farmers' markets, local retailers, restaurants, value-added product developments, and agritourism opportunities.

(3) Subject to the availability of amounts appropriated for this specific purpose, the regional markets programs of the department of agriculture may support school districts in establishing or expanding farm-to-school initiatives by providing information and guidance to overcome barriers to purchasing Washington-grown food. In accordance with this subsection (3), regional markets program activities may include, but are not limited to:

(a) Connecting schools and other institutions with farmers and distribution chains;

(b) Overcoming seasonality constraints;

(c) Providing budgeting assistance;

(d) Navigating procurement requirements; and

(e) Developing educational materials that can be used in cafeterias, classrooms, and in other educational environments.

(4) Subject to the availability of amounts appropriated for this specific purpose, school districts and other institutions may coordinate with the department of agriculture to promote and facilitate new and existing farm-to-school initiatives. School district representatives involved in these initiatives may include, but not limited to, school nutrition staff, purchasing staff, student representatives, and parent organizations.

(5) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction may award grants to school districts to collaborate with community-based organizations, food banks, and farms or gardens for reducing high school dropout occurrences through farm engagement projects. Projects established by school districts that receive grants in accordance with this section must:

(a) Primarily target low-income and disengaged youth who have dropped out or who are at risk of dropping out of high school; and

(b) Provide participating youth with opportunities for:

(i) Performing community service, including, but not limited to, building food gardens for low-income families, and work-based learning and employment during the school year and summer through farm or garden programs;

(ii) Earning core and elective credits applied toward high school graduation, including but not limited to, science, health, and career and technical education credits;

(iii) Receiving development support and services, including social and emotional learning, counseling, leadership training, and career and college guidance; and

(iv) Improving food security for themselves and their community through the project.

NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.235 RCW to read as follows:

(1) The joint legislative audit and review committee shall conduct an analysis of breakfast after the bell programs established in schools in accordance with section 3 of this act. The analysis of the schools establishing breakfast after the bell programs shall include a review of any changes in student:

(a) Tardiness and absenteeism;

(b) Suspensions;

(c) Reported illnesses and visits to nurses' offices;

(d) Results on standardized tests; and

(e) Graduation rates.

(2) The analysis shall also include a review of the outcomes of similar programs or efforts in other states.

(3) The office of the superintendent of public instruction and the education and research data center of the office of financial management shall assist in providing any data required to conduct the analysis. The analysis, including any findings and recommendations, must be completed and submitted to the superintendent of public instruction and, in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by December 1, 2026.

NEW SECTION. **Sec. 10.** Sections 3, 4, and 6 of this act expire June 30, 2028.

NEW SECTION. **Sec. 11.** This act may be known and cited as the Washington kids ready to learn act of 2018.

Passed by the House February 19, 2018.
Passed by the Senate January 31, 2018.
Approved by the Governor March 7, 2018.
Filed in Office of Secretary of State March 7, 2018.

CHAPTER 9

[Substitute House Bill 1723]

HANFORD SITE EMPLOYEES--OCCUPATIONAL DISEASE PRESUMPTION

AN ACT Relating to the presumption of occupational disease for certain employees at the United States department of energy Hanford site; adding new sections to chapter 51.32 RCW; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 51.32 RCW to read as follows:

(1) The definitions in this section apply throughout this section.

(a) "Hanford nuclear site" and "Hanford site" and "site" means the approximately five hundred sixty square miles in southeastern Washington state,

excluding leased land, state-owned lands, and lands owned by the Bonneville Power Administration, which is owned by the United States and which is commonly known as the Hanford reservation.

(b) "United States department of energy Hanford site workers" and "Hanford site worker" means any person, including a contractor or subcontractor, who was engaged in the performance of work, either directly or indirectly, for the United States, regarding projects and contracts at the Hanford nuclear site and who worked on the site at the two hundred east, two hundred west, three hundred area, environmental restoration disposal facility site, central plateau, or the river corridor locations for at least one eight-hour shift while covered under this title.

(2)(a) For United States department of energy Hanford site workers, as defined in this section, who are covered under this title, there exists a prima facie presumption that the diseases and conditions listed in subsection (3) of this section are occupational diseases under RCW 51.08.140.

(b) This presumption of occupational disease may be rebutted by clear and convincing evidence. Such evidence may include, but is not limited to, use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities.

(3) The prima facie presumption applies to the following:

(a) Respiratory disease;

(b) Any heart problems, experienced within seventy-two hours of exposure to fumes, toxic substances, or chemicals at the site;

(c) Cancer, subject to subsection (4) of this section;

(d) Beryllium sensitization, and acute and chronic beryllium disease; and

(e) Neurological disease.

(4)(a) The presumption established for cancer only applies to any active or former United States department of energy Hanford site worker who has cancer that develops or manifests itself and who was given a qualifying medical examination upon becoming a United States department of energy Hanford site worker that showed no evidence of cancer.

(b) The presumption applies to the following cancers:

(i) Leukemia;

(ii) Primary or secondary lung cancer, including bronchi and trachea, sarcoma of the lung, other than in situ lung cancer that is discovered during or after a postmortem examination, but not including mesothelioma or pleura cancer;

(iii) Primary or secondary bone cancer, including the bone form of solitary plasmacytoma, myelodysplastic syndrome, myelofibrosis with myeloid metaplasia, essential thrombocytosis or essential thrombocythemia, primary polycythemia vera (also called polycythemia rubra vera, P. vera, primary polycythemia, proliferative polycythemia, spent-phase polycythemia, or primary erythremia);

(iv) Primary or secondary renal (kidney) cancer;

(v) Lymphomas, other than Hodgkin's disease;

(vi) Waldenstrom's macroglobulinemia and mycosis fungoides; and

(vii) Primary cancer of the: (A) Thyroid; (B) male or female breast; (C) esophagus; (D) stomach; (E) pharynx, including all three areas, oropharynx, nasopharynx, and hypopharynx and the larynx. The oropharynx includes base of

tongue, soft palate and tonsils (the hypopharynx includes the pyriform sinus); (F) small intestine; (G) pancreas; (H) bile ducts, including ampulla of vater; (I) gall bladder; (J) salivary gland; (K) urinary bladder; (L) brain (malignancies only and not including intracranial endocrine glands and other parts of the central nervous system or borderline astrocytomas); (M) colon, including rectum and appendix; (N) ovary, including fallopian tubes if both organs are involved; and (O) liver, except if cirrhosis or hepatitis B is indicated.

(5)(a) The presumption established in this section extends to an applicable United States department of energy Hanford site worker following termination of service for the lifetime of that individual.

(b) A worker or the survivor of a worker who has died as a result of one of the conditions or diseases listed in subsection (3) of this section, and whose claim was denied by order of the department, the board of industrial insurance appeals, or a court, can file a new claim for the same exposure and contended condition or disease.

(c) This section applies to decisions made after the effective date of this section, without regard to the date of last injurious exposure or claim filing.

(6)(a) When a determination involving the presumption established in this section is appealed to the board of industrial insurance appeals and the final decision allows the claim of benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorneys' fees and witness fees, be paid to the worker or his or her beneficiary by the opposing party.

(b) When a determination involving the presumption established in this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of appeal, including attorneys' fees and witness fees, be paid to the worker or his or her beneficiary by the opposing party.

NEW SECTION. **Sec. 2.** A new section is added to chapter 51.32 RCW to read as follows:

(1) Five years after the effective date of this section, the department must submit a report to the appropriate labor committees of the legislature by December 1, 2023. The report must include the number of industrial insurance claims which included the presumption provided for in section 1(2)(a) of this act.

(2) This section expires December 1, 2024.

Passed by the House February 19, 2018.
Passed by the Senate January 25, 2018.
Approved by the Governor March 7, 2018.
Filed in Office of Secretary of State March 7, 2018.

CHAPTER 10

[Engrossed Substitute House Bill 3003]

LAW ENFORCEMENT--DEADLY FORCE--TRAINING

AN ACT Relating to law enforcement; amending RCW 43.101.---, 36.28A.---, and 9A.16.040; amending 2018 c ... s 9 (uncodified); adding a new section to chapter 9A.16 RCW; adding a new chapter to Title 10 RCW; and providing a contingent effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.101.--- and 2018 c ... s 5 (Initiative Measure No. 940) are each amended to read as follows:

(1) Within six months after June 7, 2018, the commission must consult with law enforcement agencies and community stakeholders and adopt rules for carrying out the training requirements of RCW 43.101.--- and 43.101.--- (sections 3 and 4, chapter . . . (Initiative Measure No. 940), Laws of 2018). Such rules must, at a minimum:

(a) Adopt training hour requirements and curriculum for initial violence de-escalation trainings required by chapter . . . (Initiative Measure No. 940), Laws of 2018;

(b) Adopt training hour requirements and curriculum for initial mental health trainings required by chapter . . . (Initiative Measure No. 940), Laws of 2018, which may include all or part of the mental health training curricula established under RCW 43.101.227 and 43.101.427;

(c) Adopt annual training hour requirements and curricula for continuing trainings required by chapter . . . (Initiative Measure No. 940), Laws of 2018;

(d) Establish means by which law enforcement officers will receive trainings required by chapter . . . (Initiative Measure No. 940), Laws of 2018; and

(e) Require compliance with chapter . . . (Initiative Measure No. 940), Laws of 2018'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 de-escalation tactics and less lethal alternatives are part of the decision-making process leading up to the consideration of 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 chapter . . . (Initiative Measure No. 940), Laws of 2018 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.

Sec. 2. RCW 36.28A.--- and 2018 c ... s 6 (Initiative Measure No. 940) are each amended 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~~)) provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement.

(2) Within one year after June 7, 2018, 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) address best practices for securing a scene to facilitate the safe, swift, and effective provision of first aid to anyone injured in a scene controlled by law enforcement or as a result of law enforcement action; and (c) 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~~)) the many essential duties of officers with the solemn duty to preserve the life of persons with whom officers come into direct contact.

Sec. 3. RCW 9A.16.040 and 2018 c ... s 7 (Initiative Measure No. 940) 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 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;

(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 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~~)) peace officer shall not be held criminally liable for using deadly force ((~~if such officer meets the good faith standard adopted in this section~~)) in good faith, where "good faith" is an objective standard which shall consider all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.

(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.

Sec. 4. 2018 c ... s 9 (Initiative Measure No. 940) (uncodified) is amended to read as follows:

(1) Except where a different timeline is provided in ((~~this act~~)) chapter . . . (Initiative Measure No. 940), Laws of 2018, the Washington state criminal justice training commission must adopt any rules necessary for carrying out the requirements of ((~~this act~~)) chapter . . . (Initiative Measure No. 940), Laws of 2018 within one year after June 7, 2018. In carrying out all rule making under ((~~this act~~)) chapter . . . (Initiative Measure No. 940), Laws of 2018, the commission shall seek input from the attorney general, law enforcement agencies, the Washington council of police and sheriffs, the Washington state fraternal order of police, the council of metropolitan police and sheriffs, the Washington state patrol troopers association, at least one association representing law enforcement who represent traditionally underrepresented communities including the black law enforcement association of Washington, de-escalate Washington, 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.~~))

(2) Where ((~~this act~~)) chapter . . . (Initiative Measure No. 940), Laws of 2018 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; noncitizens; native Americans; youth; and formerly incarcerated persons.

NEW SECTION. **Sec. 5.** Except as required by federal consent decree, federal settlement agreement, or federal court order, where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm, an independent investigation must be completed to inform any determination of whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and satisfied other applicable laws and policies. The investigation must be completely independent of the agency whose officer was involved in the use of deadly force. The criminal justice training commission must adopt rules establishing criteria to determine what qualifies as an independent investigation pursuant to this section.

NEW SECTION. **Sec. 6.** Whenever a law enforcement officer's application of force results in the death of a person who is an enrolled member of a federally recognized Indian tribe, the law enforcement agency must notify the governor's office of Indian affairs. Notice by the law enforcement agency to the governor's office of Indian affairs must be made within a reasonable period of time, but not more than twenty-four hours after the law enforcement agency has good reason to believe that the person was an enrolled member of a federally recognized Indian tribe. Notice provided under this section must include sufficient information for the governor's office of Indian affairs to attempt to identify the deceased person and his or her tribal affiliation. Nothing in this section requires a law enforcement agency to disclose any information that could compromise

the integrity of any criminal investigation. The governor's office of Indian affairs must establish a means to receive the notice required under this section, including outside of regular business hours, and must immediately notify the tribe of which the person was enrolled.

NEW SECTION. **Sec. 7.** A new section is added to chapter 9A.16 RCW to read as follows:

(1) When a peace officer who is charged with a crime is found not guilty or charges are dismissed by reason of justifiable homicide or use of deadly force under RCW 9A.16.040, or by reason of self-defense, for actions taken while on duty or otherwise within the scope of his or her authority as a peace officer, the state of Washington shall reimburse the defendant for all reasonable costs, including loss of time, legal fees incurred, and other expenses involved in his or her defense. This reimbursement is not an independent cause of action.

(2) If the trier of fact makes a determination of justifiable homicide, justifiable use of deadly force, or self-defense, the judge shall determine the amount of the award.

(3) Whenever the issue of justifiable homicide, justifiable use of deadly force, or self-defense under this section is decided by a judge, or whenever charges against a peace officer are dismissed based on the merits, the judge shall consider the same questions as must be answered in the special verdict under subsection (4) of this section.

(4) Whenever the issue of justifiable homicide, justifiable use of deadly force, or self-defense under this section has been submitted to a jury, and the jury has found the defendant not guilty, the court shall instruct the jury to return a special verdict in substantially the following form:

		answer yes or no
1.	Was the defendant on duty or otherwise acting within the scope of his or her authority as a peace officer?	. . . . .
2.	Was the finding of not guilty based upon justifiable homicide, justifiable use of deadly force, or self-defense?	. . . . .

(5) Nothing in this section precludes the legislature from using the sundry claims process to grant an award where none was granted under this section or otherwise where the charge was dismissed prior to trial, or to grant a higher award than one granted under this section.

NEW SECTION. **Sec. 8.** 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. 9.** Sections 5 and 6 of this act constitute a new chapter in Title 10 RCW.

NEW SECTION. **Sec. 10.** This act takes effect June 8, 2018, only if chapter . . . (Initiative Measure No. 940), Laws of 2018, is passed by a vote of the legislature during the 2018 regular legislative session and a referendum on the initiative under Article II, section 1 of the state Constitution is not certified by the secretary of state. If the initiative is not approved during the 2018 regular legislative session, or if a referendum on the initiative is certified by the secretary of state, this act is void in its entirety.

Passed by the House March 7, 2018.
Passed by the Senate March 8, 2018.
Approved by the Governor March 8, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 11

[Initiative 940]

LAW ENFORCEMENT—DEADLY FORCE—TRAINING

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."

Passed by the House March 8, 2018.

Passed by the Senate March 8, 2018.

Filed in Office of Secretary of State March 8, 2018.

CHAPTER 12

[Second Substitute House Bill 1293]

COLLEGE BOUND SCHOLARSHIP PLEDGE--PARENT OR GUARDIAN APPROVAL

AN ACT Relating to eliminating the parent or guardian approval requirement for the college bound scholarship pledge; and amending RCW 28B.118.010 and 28B.118.040.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 28B.118.010 and 2017 3rd sp.s. c 20 s 11 are each amended to read as follows:

The office of student financial assistance shall design the Washington college bound scholarship program in accordance with this section and in alignment with the state need grant program in chapter 28B.92 RCW unless otherwise provided in this section.

(1) "Eligible students" are those students who:

(a) Qualify for free or reduced-price lunches. If a student qualifies in the seventh grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter;

(b) Are dependent pursuant to chapter 13.34 RCW and:

(i) In grade seven through twelve; or

(ii) Are between the ages of eighteen and twenty-one and have not graduated from high school; or

(c) Were dependent pursuant to chapter 13.34 RCW and were adopted between the ages of fourteen and eighteen with a negotiated adoption agreement that includes continued eligibility for the Washington state college bound scholarship program pursuant to RCW 74.13A.025.

(2) Eligible students and the students' parents or guardians shall be notified of ((~~their~~)) the student's eligibility for the Washington college bound scholarship program beginning in ((~~their~~)) the student's seventh grade year. Students and the students' parents or guardians shall also be notified of the requirements for award of the scholarship.

(3)(a) To be eligible for a Washington college bound scholarship, a student eligible under subsection (1)(a) of this section must sign a pledge during seventh or eighth grade that includes a commitment to graduate from high school with at least a C average and with no felony convictions. The pledge must be witnessed by a parent or guardian and forwarded to the office of student financial assistance by mail or electronically, as indicated on the pledge form.

(b)(i) Beginning in the 2018-19 academic year, the office of student financial assistance shall make multiple attempts to secure the signature of the student's parent or guardian for the purpose of witnessing the pledge.

(ii) If the signature of the student's parent or guardian is not obtained, the office of student financial assistance may partner with the school counselor or administrator to secure the parent's or guardian's signature to witness the pledge. The school counselor or administrator shall make multiple attempts via all phone numbers, email addresses, and mailing addresses on record to secure the parent's or guardian's signature. All attempts to contact the parent or guardian must be documented and maintained in the student's official file.

(iii) If a parent's or guardian's signature is still not obtained, the school counselor or administrator shall indicate to the office of student financial assistance the nature of the unsuccessful efforts to contact the student's parent or

guardian and the reasons the signature is not available. Then the school counselor or administrator may witness the pledge unless the parent or guardian has indicated that he or she does not wish for the student to participate in the program.

(c) A student eligible under subsection (1)(b) of this section shall be automatically enrolled, with no action necessary by the student or the student's family, and the enrollment form must be forwarded by the department of social and health services to the ((~~higher education coordinating board or its successor~~)) office of student financial assistance by mail or electronically, as indicated on the form.

(4)(a) Scholarships shall be awarded to eligible students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.

(b)(i) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (d).

(ii) For eligible children as defined in subsection (1)(b) and (c) of this section, to receive the Washington college bound scholarship, a student must have received a high school equivalency certificate as provided in RCW 28B.50.536 or have graduated with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (d).

For a student who does not meet the "C" average requirement, and who completes fewer than two quarters in the running start program, under chapter 28A.600 RCW, the student's first quarter of running start course grades must be excluded from the student's overall grade point average for purposes of determining their eligibility to receive the scholarship.

(5) A student's family income will be assessed upon graduation before awarding the scholarship.

(6) If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington or the representative average of awards granted to students in public research universities in Washington in the 2014-15 academic year, whichever is greater.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students

in public community and technical colleges in Washington or the representative average of awards granted to students in public community and technical colleges in Washington in the 2014-15 academic year, whichever is greater.

(7) Recipients may receive no more than four full-time years' worth of scholarship awards.

(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) The state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

Sec. 2. RCW 28B.118.040 and 2015 c 244 s 4 are each amended to read as follows:

The office of student financial assistance shall:

(1) With the assistance of the office of the superintendent of public instruction, implement and administer the Washington college bound scholarship program;

(2) Develop and distribute, to all schools with students enrolled in grade seven or eight, a pledge form that can be completed and returned electronically or by mail by the student or the school to the office of student financial assistance;

(3) Develop and implement a student application, selection, and notification process for scholarships, which includes working with other state agencies, law enforcement, or the court system to verify that eligible students do not have felony convictions;

(4) Annually in March, with the assistance of the office of the superintendent of public instruction, distribute to tenth grade college bound scholarship students and their families: (a) Notification that, to qualify for the scholarship, a student's family income may not exceed sixty-five percent of the state median family income at graduation from high school; (b) the current year's value for sixty-five percent of the state median family income; and (c) a statement that a student should consult their school counselor if their family makes, or is projected to make, more than this value before the student graduates;

(5) Develop comprehensive social media outreach with grade-level specific information designed to keep students on track to graduate and leverage current tools such as the high school and beyond plan required by the state board of

education and the ready set grad web site maintained by the student achievement council;

(6) Track scholarship recipients to ensure continued eligibility and determine student compliance for awarding of scholarships;

(7) Within existing resources, collaborate with college access providers and K-12, postsecondary, and youth-serving organizations to map and coordinate mentoring and advising resources across the state;

(8) Subject to appropriation, deposit funds into the state educational trust fund;

(9) Purchase tuition units under the advanced college tuition payment program in chapter 28B.95 RCW to be owned and held in trust by the ((~~board~~)) office of student financial assistance, for the purpose of scholarship awards as provided for in this section; and

(10) Distribute scholarship funds, in the form of tuition units purchased under the advanced college tuition payment program in chapter 28B.95 RCW or through direct payments from the state educational trust fund, to institutions of higher education on behalf of scholarship recipients identified by the office, as long as recipients maintain satisfactory academic progress.

Passed by the House January 18, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 13

[House Bill 1499]

STUDENT FINANCIAL AID DISBURSEMENT

AN ACT Relating to creating protections and fairness for students in the student loan disbursement process; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.77 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) In the last few years, there has been an increase in the number of postsecondary institutions entering into agreements with financial account providers to disburse students' federal financial aid. Disbursement of financial aid often is made using access cards, such as debit cards or prepaid cards, that have fees associated with the use of those cards. Recent reports from the federal government and consumer groups have documented troubling practices used by some financial account providers, such as providers prioritizing disbursements to their own affiliated accounts over the student's preexisting bank accounts, providers and schools giving students the impression that signing up for the financial provider's card account is required to receive financial aid, and students being charged unavoidable fees to access their funds. The federal government adopted regulations in 2015 to address these issues. The legislature intends for sections 2 and 3 of this act to be compatible with federal rules.

(2) The legislature finds that although the federal regulations provide some protection for students, Washington's postsecondary institutions must ensure that students are treated fairly and that one hundred percent of state financial aid

awards be available to students for purposes for which aid is granted, rather than for fees or other costs incurred by the student to access their aid awards. The legislature intends to strengthen protections for students by requiring that postsecondary institutions give students full disclosure and notice, comply with all federal and state rules and regulations, and operate their student financial aid disbursements in a manner where students bear none of the financial weight of accessing their own funds and are not discouraged from having funds disbursed to them in the manner that provides the greatest ease of access. The legislature intends to extend similar protections required under federal rules for federal financial aid to the disbursement of state financial aid.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) For purposes of this section and section 3 of this act, "postsecondary institution" means the institutions of higher education as defined in RCW 28B.10.016 and any degree-granting institution, for-profit institution, or for-profit vocational institute, operating in the state and offering instruction and training beyond the high school level for gainful employment in a recognized profession.

(2) A postsecondary institution that disburses a student's federal or state financial aid balance by means other than directly depositing the student's balance into the student's existing account or issuing a check directly from the postsecondary institution must comply with the requirements of this section.

(3) The postsecondary institution must:

(a) Provide the student, in a readily noticeable way and a reasonably understandable format, a summary of the key features associated with the debit card, access device, or financial account associated with the student's financial aid disbursement and the commonly assessed fees that the student may incur, such as surcharges if a student uses an automated teller machine that is not affiliated with the third-party servicer or financial institution issuing the disbursement. The notice may be provided by a link to a public web site;

(b) Provide the student with information on the location of every surcharge-free automated teller machine located on campus that the student may use to access the student's financial aid disbursement funds without incurring a fee and whether the machines are accessible twenty-four hours a day;

(c) Provide the student with full disclosure of the contract the postsecondary institution has entered into with a third-party servicer or financial institution in the disbursement of student financial aid balances. The disclosure may be provided by a link to a public web site;

(d) Provide easily understandable and prominent notice to the student of the student's rights as a consumer and notice of a complaint process for students to file complaints with the postsecondary institution if the student is being charged excessive fees or is unable to access his or her funds without incurring fees;

(e) Develop and maintain a complaint resolution process to be used by students who have complaints regarding the timeliness of the student's financial aid disbursement or fees charged related to the disbursement. The process must include procedures for students to have the student achievement council review unresolved complaints; and

(f) Comply with the rules or requirements for participation in the state financial aid programs adopted by the student achievement council, as authorized under section 3 of this act.

(4) The federal laws and regulations that apply to the disbursement of federal financial aid using third-party servicers or financial institutions also applies to the disbursement of state financial aid using third-party servicers or financial institutions.

(5) Nothing in this section requires a postsecondary institution to duplicate notices or disclosures or provide additional notices or disclosures on federal financial aid that would otherwise be required under federal law.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.77 RCW to read as follows:

(1) The council's rules or other requirements for institutions to participate in state financial aid programs shall assure that contracts between postsecondary institutions participating in state financial aid programs, as defined in section 2 of this act, and financial institutions or third-party servicers for the disbursement of student financial aid:

(a) Ensure that all state aid to students is available for the student's educational purposes with one hundred percent of the student's state financial aid available to the student without incurring any fees;

(b) Are in the "best financial interest of the students";

(c) Provide that the student's ability to access his or her disbursement is geographically convenient and practical for the student;

(d) Provide that the student is given a choice regarding the method by which the student receives his or her financial aid disbursement, for example, whether disbursed by direct deposit, check, or debit card, in accordance with federal regulations;

(e) Provide that the postsecondary institution has an effective process for reviewing complaints filed by students regarding student state financial aid disbursements, with appropriate notice to students; and

(f) Require that the postsecondary institution does not have a revenue-sharing agreement with the third-party servicer or financial institution.

(2) The council must compile a list of all postsecondary institutions that use third-party servicers or financial institutions for student financial aid disbursements and make the list available on the council's web site.

Passed by the House January 11, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 14

[Engrossed Substitute House Bill 1523]

HEALTH PLANS--PREVENTATIVE SERVICES COVERAGE

AN ACT Relating to requiring health plans to cover, with no cost sharing, all preventive services required to be covered under federal law as of December 31, 2016; and adding a new section to chapter 48.43 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) A health plan issued on or after the effective date of this section must, at a minimum, provide coverage for the same preventive services required to be covered under 42 U.S.C. Sec. 300gg-13 (2016) and any federal rules or guidance in effect on December 31, 2016, implementing 42 U.S.C. Sec. 300gg-13.

(2) The health plan may not impose cost-sharing requirements for the preventive services required to be covered under subsection (1) of this section.

(3) The insurance commissioner shall enforce this section consistent with federal rules, guidance, and case law in effect on December 31, 2016, applicable to 42 U.S.C. 300gg-13 (2016).

Passed by the House January 31, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 15

[House Bill 1630]

HOMELESS CLIENT MANAGEMENT INFORMATION SYSTEM--MINORS--CONSENT

AN ACT Relating to allowing minors to consent to share their personally identifying information in the Washington homeless client management information system; and amending RCW 43.185C.180.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.185C.180 and 2011 c 239 s 1 are each amended to read as follows:

(1) In order to improve services for the homeless, the department, within amounts appropriated by the legislature for this specific purpose, shall implement the Washington homeless client management information system for the ongoing collection and updates of information about all homeless individuals in the state.

(2) Information about homeless individuals for the Washington homeless client management information system shall come from the Washington homeless census and from state agencies and community organizations providing services to homeless individuals and families.

(a) Personally identifying information about homeless individuals for the Washington homeless client management information system may only be collected after having obtained informed, reasonably time limited (i) written consent from the homeless individual to whom the information relates, or (ii) telephonic consent from the homeless individual, provided that written consent is obtained at the first time the individual is physically present at an organization with access to the Washington homeless client management information system. Safeguards consistent with federal requirements on data collection must be in place to protect homeless individuals' rights regarding their personally identifying information.

(b) Data collection under this subsection shall be done in a manner consistent with federally informed consent guidelines regarding human research which, at a minimum, require that individuals receive:

(i) Information about the expected duration of their participation in the Washington homeless client management information system;

(ii) An explanation of whom to contact for answers to pertinent questions about the data collection and their rights regarding their personal identifying information;

(iii) An explanation regarding whom to contact in the event of injury to the individual related to the Washington homeless client management information system;

(iv) A description of any reasonably foreseeable risks to the homeless individual; and

(v) A statement describing the extent to which confidentiality of records identifying the individual will be maintained.

(c) The department must adopt policies governing the appropriate process for destroying Washington homeless client management information system paper documents containing personally identifying information when the paper documents are no longer needed. The policies must not conflict with any federal data requirements.

(d) Any unaccompanied youth thirteen years of age or older may give consent for the collection of his or her personally identifying information under this section. "Unaccompanied" has the same definition as in RCW 43.330.702.

(3) The Washington homeless client management information system shall serve as an online information and referral system to enable local governments and providers to connect homeless persons in the database with available housing and other support services. Local governments shall develop a capacity for continuous case management, including independent living plans, when appropriate, to assist homeless persons.

(4) The information in the Washington homeless client management information system will also provide the department with the information to consolidate and analyze data about the extent and nature of homelessness in Washington state, giving emphasis to information about the extent and nature of homelessness in Washington state among families with children.

(5) The system may be merged with other data gathering and reporting systems and shall:

(a) Protect the right of privacy of individuals;

(b) Provide for consultation and collaboration with all relevant state agencies including the department of social and health services, experts, and community organizations involved in the delivery of services to homeless persons; and

(c) Include related information held or gathered by other state agencies.

(6) Within amounts appropriated by the legislature, for this specific purpose, the department shall evaluate the information gathered and disseminate the analysis and the evaluation broadly, using appropriate computer networks as well as written reports.

(7) The Washington homeless client management information system shall be implemented by December 31, 2009, and updated with new homeless client information at least annually.

Passed by the House January 11, 2018.

Passed by the Senate February 28, 2018.

Approved by the Governor March 9, 2018.

Filed in Office of Secretary of State March 9, 2018.

CHAPTER 16

[Engrossed House Bill 1742]

MOTOR VEHICLE TRANSPORTER'S LICENSE--AUTOMOTIVE REPAIR FACILITIES

AN ACT Relating to modifying the motor vehicle transporter's license to accommodate automotive repair facilities; amending RCW 46.76.040, 46.76.060, and 46.76.065; adding a new section to chapter 46.76 RCW; and adding a new section to chapter 46.71 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 46.76 RCW to read as follows:

(1) Any automotive repair facility may procure a transporter's license in accordance with this chapter for the purpose of evaluating vehicles in need of repair, or that have been repaired, on the public roads of this state.

(2) This section may not be construed as requiring an automotive repair facility to obtain a transporter's license.

(3) For the purposes of this section, "automotive repair facility" or "repair facility" has the same meaning as defined in RCW 46.71.011. "Automotive repair facility" or "repair facility" includes entities that perform commercial fleet repair or maintenance transactions involving two or more vehicles, or that perform ongoing service or maintenance contracts involving vehicles used primarily for business purposes.

Sec. 2. RCW 46.76.040 and 1990 c 250 s 68 are each amended to read as follows:

The fee for an original transporter's license is twenty-five dollars. Transporter license number plates bearing an appropriate symbol and serial number ((~~shall~~)) must be attached to all vehicles being delivered or evaluated in the conduct of the business licensed under this chapter. The plates may be obtained for a fee of two dollars for each set.

Sec. 3. RCW 46.76.060 and 2010 c 8 s 9093 are each amended to read as follows:

Transporter's license plates ((~~shall~~)) must be conspicuously displayed on all vehicles being delivered by the driveaway or towaway methods or being driven on the public roads of the state for the purpose of repair evaluation. These plates ((~~shall~~)) must not be loaned to or used by any person other than the holder of the license or his or her employees.

Sec. 4. RCW 46.76.065 and 1977 ex.s. c 254 s 1 are each amended to read as follows:

The following conduct shall be sufficient grounds pursuant to RCW 34.05.422 for the director or a designee to deny, suspend, or revoke the license of a motor vehicle transporter:

(1) Using transporter plates for driveaway or towaway of any vehicle owned by such transporter;

(2) Knowingly, as that term is defined in RCW 9A.08.010(1)(b), having possession of a stolen vehicle or a vehicle with a defaced, missing, or obliterated manufacturer's identification serial number;

(3) Loaning transporter plates;

(4) Using transporter plates for any purpose other than as provided under RCW 46.76.010 or section 1 of this act; or

(5) Violation of provisions of this chapter or of rules and regulations adopted relating to enforcement and proper operation of this chapter.

NEW SECTION. **Sec. 5.** A new section is added to chapter 46.71 RCW to read as follows:

Any automotive repair facility may apply for a transporter's license under chapter 46.76 RCW for the purpose of evaluating vehicles in need of repair, or that have been repaired, on the public roads of this state.

Passed by the House January 18, 2018.
Passed by the Senate March 2, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 17

[House Bill 1790]

DEPENDENCY PETITIONS BY DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAID PROBATION OFFICERS

AN ACT Relating to dependency petitions where the department of social and health services is the petitioner; and amending RCW 13.34.040.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 13.34.040 and 2011 c 309 s 23 are each amended to read as follows:

(1) Any person may file with the clerk of the superior court a petition showing that there is within the county, or residing within the county, a dependent child and requesting that the superior court deal with such child as provided in this chapter. There shall be no fee for filing such petitions.

(2) Except where the department is the petitioner, in counties having paid probation officers, these officers shall, to the extent possible, first determine if a petition is reasonably justifiable. Each petition shall be verified and contain a statement of facts constituting a dependency, and the names and residence, if known to the petitioner, of the parents, guardian, or custodian of the alleged dependent child.

(3) Every petition filed in proceedings under this chapter shall contain a statement alleging whether the child is or may be an Indian child as defined in RCW 13.38.040. If the child is an Indian child chapter 13.38 RCW shall apply.

(4) Every order or decree entered under this chapter shall contain a finding that the federal Indian child welfare act or chapter 13.38 RCW does or does not apply. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does apply, the decree or order must also contain a finding that all notice requirements and evidentiary requirements under the federal Indian child welfare act and chapter 13.38 RCW have been satisfied.

Passed by the House January 24, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 18

[House Bill 2087]

ROADWAY AND ROADSIDE WORKER SAFETY

AN ACT Relating to worker safety on roadways and roadsides; amending RCW 46.61.100, 46.61.212, 46.61.215, and 46.63.020; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 46.61.100 and 2007 c 83 s 2 are each amended to read as follows:

(1) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three marked lanes and providing for two-way movement traffic under the rules applicable thereon;

(d) Upon a street or highway restricted to one-way traffic; or

(e) Upon a highway having three lanes or less, when approaching the following vehicles in the manner described under RCW 46.61.212(1)(d)(ii): (i) A stationary authorized emergency vehicle((,)); (ii) a tow truck or other vehicle providing roadside assistance while operating warning lights with three hundred sixty degree visibility((, or)); (iii) a police vehicle ((as described under)); or (iv) a stationary or slow moving highway construction vehicle, highway maintenance vehicle, solid waste vehicle, or utility service vehicle that meets the lighting requirements identified in RCW 46.61.212(((2)))(1).

(2) Upon all roadways having two or more lanes for traffic moving in the same direction, all vehicles shall be driven in the right-hand lane then available for traffic, except (a) when overtaking and passing another vehicle proceeding in the same direction, (b) when traveling at a speed greater than the traffic flow, (c) when moving left to allow traffic to merge, or (d) when preparing for a left turn at an intersection, exit, or into a private road or driveway when such left turn is legally permitted. On any such roadway, a vehicle or combination over ten thousand pounds shall be driven only in the right-hand lane except under the conditions enumerated in (a) through (d) of this subsection.

(3) No vehicle towing a trailer or no vehicle or combination over ten thousand pounds may be driven in the left-hand lane of a limited access roadway having three or more lanes for traffic moving in one direction except when preparing for a left turn at an intersection, exit, or into a private road or driveway when a left turn is legally permitted. This subsection does not apply to a vehicle using a high occupancy vehicle lane. A high occupancy vehicle lane is not considered the left-hand lane of a roadway. The department of transportation, in consultation with the Washington state patrol, shall adopt rules specifying (a) those circumstances where it is permissible for other vehicles to use the left lane in case of emergency or to facilitate the orderly flow of traffic, and (b) those segments of limited access roadway to be exempt from this subsection due to the operational characteristics of the roadway.

(4) It is a traffic infraction to drive continuously in the left lane of a multilane roadway when it impedes the flow of other traffic.

(5) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, a vehicle shall not be driven to the left of the center line of the roadway except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (1)(b) of this section. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

Sec. 2. RCW 46.61.212 and 2010 c 252 s 1 are each amended to read as follows:

(1) The driver of any motor vehicle, upon approaching an emergency or work zone, which is defined as the adjacent lanes of the roadway two hundred feet before and after (a) a stationary authorized emergency vehicle that is making use of audible and/or visual signals meeting the requirements of RCW 46.37.190, (b) a tow truck that is making use of visual red lights meeting the requirements of RCW 46.37.196, (c) other vehicles providing roadside assistance that are making use of warning lights with three hundred sixty degree visibility, ((~~or~~)) (d) a police vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights, or (e) a stationary or slow moving highway construction vehicle, highway maintenance vehicle, solid waste vehicle, or utility service vehicle making use of flashing lights that meet the requirements of RCW 46.37.300 or warning lights with three hundred sixty degree visibility shall:

(i) On a highway having four or more lanes, at least two of which are intended for traffic proceeding in the same direction as the approaching vehicle, proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change or moving away from the lane or shoulder occupied by ((~~the stationary authorized~~)) an emergency or work zone vehicle ((~~or police vehicle~~)) identified in subsection (1) of this section;

(ii) On a highway having less than four lanes, proceed with caution, reduce the speed of the vehicle, and, if reasonable, with due regard for safety and traffic conditions, and under the rules of this chapter, yield the right-of-way by passing to the left at a safe distance and simultaneously yield the right-of-way to all vehicles traveling in the proper direction upon the highway; or

(iii) If changing lanes or moving away would be unreasonable or unsafe, proceed with due caution and reduce the speed of the vehicle.

(2) A person may not drive a vehicle in an emergency or work zone at a speed greater than the posted speed limit.

(3) A person found to be in violation of this section, or any infraction relating to speed restrictions in an emergency or work zone, must be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

(4) A person who drives a vehicle in an emergency or work zone in such a manner as to endanger or be likely to endanger any emergency or work zone worker or property is guilty of reckless endangerment of emergency or work

zone workers. A violation of this subsection is a gross misdemeanor punishable under chapter 9A.20 RCW.

(5) The department shall suspend for sixty days the driver's license, permit to drive, or nonresident driving privilege of a person convicted of reckless endangerment of emergency or work zone workers.

Sec. 3. RCW 46.61.215 and 1975 c 62 s 40 are each amended to read as follows:

(1) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway, including highway construction and highway maintenance workers, and flaggers, within any highway construction or maintenance area indicated by official traffic control devices.

(2) The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of RCW 46.37.300.

Sec. 4. RCW 46.63.020 and 2016 c 213 s 4 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.457(1)(b)(i) relating to a false statement regarding the inspection of and installation of equipment on wheeled all-terrain vehicles;

(2) RCW 46.09.470(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(3) RCW 46.09.480 relating to operation of nonhighway vehicles;

(4) RCW 46.10.490(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(5) RCW 46.10.495 relating to the operation of snowmobiles;

(6) Chapter 46.12 RCW relating to certificates of title, registration certificates, and markings indicating that a vehicle has been destroyed or declared a total loss;

(7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(8) RCW 46.16A.520 relating to permitting unauthorized persons to drive;

(9) RCW 46.16A.320 relating to vehicle trip permits;

(10) RCW 46.19.050(1) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(11) RCW 46.19.050(8) relating to illegally obtaining a parking placard, special license plate, special year tab, or identification card;

(12) RCW 46.19.050(9) relating to sale of a parking placard, special license plate, special year tab, or identification card;

(13) RCW 46.20.005 relating to driving without a valid driver's license;

(14) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(15) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(16) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(17) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(18) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;

(19) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(20) RCW 46.20.750 relating to circumventing an ignition interlock device;

(21) RCW 46.25.170 relating to commercial driver's licenses;

(22) Chapter 46.29 RCW relating to financial responsibility;

(23) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(24) RCW 46.35.030 relating to recording device information;

(25) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(26) RCW 46.37.650 relating to the manufacture, importation, sale, distribution, or installation of a counterfeit air bag, nonfunctional air bag, or previously deployed or damaged air bag;

(27) RCW 46.37.660 relating to the sale or installation of a device that causes a vehicle's diagnostic system to inaccurately indicate that the vehicle has a functional air bag when a counterfeit air bag, nonfunctional air bag, or no air bag is installed;

(28) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

(29) RCW 46.37.685 relating to switching or flipping license plates, utilizing technology to flip or change the appearance of a license plate, selling a license plate flipping device or technology used to change the appearance of a license plate, or falsifying a vehicle registration;

(30) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(31) RCW 46.48.175 relating to the transportation of dangerous articles;

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

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

(34) RCW 46.52.090 relating to reports by repairers, storage persons, and appraisers;

(35) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(36) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(37) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(38) RCW 46.55.300 relating to vehicle immobilization;

(39) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

(40) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(41) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(42) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(43) RCW 46.61.212(4) relating to reckless endangerment of emergency or work zone workers;

(44) RCW 46.61.500 relating to reckless driving;

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

(46) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

(47) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

(48) RCW 46.61.522 relating to vehicular assault;

(49) RCW 46.61.5249 relating to first degree negligent driving;

(50) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

(51) RCW 46.61.530 relating to racing of vehicles on highways;

(52) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

(53) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

(54) RCW 46.61.740 relating to theft of motor vehicle fuel;

(55) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

(56) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(57) Chapter 46.65 RCW relating to habitual traffic offenders;

(58) RCW 46.68.010 relating to false statements made to obtain a refund;

(59) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

(60) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

(61) RCW 46.72A.060 relating to limousine carrier insurance;

(62) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

(63) RCW 46.72A.080 relating to false advertising by a limousine carrier;

(64) Chapter 46.80 RCW relating to motor vehicle wreckers;

(65) Chapter 46.82 RCW relating to driver's training schools;

(66) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

(67) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Passed by the House January 11, 2018.

Passed by the Senate March 1, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 19

[House Bill 2208]

STATE EMPLOYEES AND CONTRACTORS--ACCESS TO FEDERAL TAX INFORMATION--BACKGROUND CHECK

AN ACT Relating to authorizing criminal background investigations for current and prospective employees and contractors with access to federal tax information; and adding a new section to chapter 41.04 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 41.04 RCW to read as follows:

(1) All current and prospective employees of and contractors with the state of Washington who are or may be authorized by the agency for which he or she is employed to access federal tax information are required to have a criminal history record check through the Washington state patrol criminal identification system and through the federal bureau of investigation. The record check must include a fingerprint check using a complete Washington state criminal identification fingerprint card, which must be forwarded by the state patrol to the federal bureau of investigation.

(2) Agencies must establish background investigation policies applicable to current and prospective employees and contractors subject to subsection (1) of this section. Agency background investigation policies must also satisfy any specific background investigation standards established by the internal revenue service. The office of financial management shall create a model background investigation policy.

(3) The cost of the background investigation for current and prospective employees shall be paid by the agency. The agency may charge contractors the cost of the background investigation.

(4) Information received by the employing agency pursuant to this section may be used only for the purposes of making, supporting, or defending decisions regarding the appointment, hiring, or retention of persons, or for complying with any requirements from the internal revenue service. Further dissemination or use of the information is prohibited, notwithstanding any other provision of law.

(5) The office of financial management may adopt rules to implement this section.

Passed by the House February 13, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 20

[Substitute House Bill 2256]

FOSTER PARENT PRESERVICE TRAINING--ONLINE AVAILABILITY

AN ACT Relating to the online availability of foster parent preservice training; and reenacting and amending RCW 74.13.250.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 74.13.250 and 2009 c 520 s 71 and 2009 c 491 s 10 are each reenacted and amended to read as follows:

(1) Preservice training is recognized as a valuable tool to reduce placement disruptions, the length of time children are in care, and foster parent turnover rates. Preservice training also assists potential foster parents in making their final decisions about foster parenting and assists social service agencies in obtaining information about whether to approve potential foster parents.

(2) Foster parent preservice training shall include information about the potential impact of placement on foster children; social service agency administrative processes; the requirements, responsibilities, expectations, and skills needed to be a foster parent; attachment, separation, and loss issues faced by birth parents, foster children, and foster parents; child management and discipline; birth family relationships; information on the limits of the adoption support program as provided in RCW ((~~74.13.109(4)~~)) 74.13A.020(4); and helping children leave foster care. Preservice training shall assist applicants in making informed decisions about whether they want to be foster parents. Preservice training shall be designed to enable the agency to assess the ability, readiness, and appropriateness of families to be foster parents. As a decision tool, effective preservice training provides potential foster parents with enough information to make an appropriate decision, affords potential foster parents an opportunity to discuss their decision with others and consider its implications for their family, clarifies foster family expectations, presents a realistic picture of what foster parenting involves, and allows potential foster parents to consider and explore the different types of children they might serve.

(3) Foster parents shall complete preservice training before the issuance of a foster care license, except that the department may, on a case by case basis, issue a written waiver that allows the foster parent to complete the training after licensure, so long as the training is completed within ninety days following licensure.

(4) All components of the foster parent preservice training shall be made available online. The department shall allow individuals to complete as much online preservice training as is practicable while requiring that some preservice training be completed in person.

Passed by the House January 22, 2018.

Passed by the Senate February 27, 2018.

Approved by the Governor March 9, 2018.

Filed in Office of Secretary of State March 9, 2018.

CHAPTER 21

[Substitute House Bill 2308]

CIVIL LEGAL AID

AN ACT Relating to civil legal aid; and amending RCW 2.53.020, 2.53.030, and 2.53.045.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 2.53.020 and 2005 c 105 s 5 are each amended to read as follows:

(1) There is created an office of civil legal aid as an independent agency of the judicial branch.

(2) Activities of the office of civil legal aid shall be carried out by a director of civil legal aid services. The director of civil legal aid services shall be appointed by the supreme court from a list of three names forwarded by the access to justice board. Qualifications for the director include admission to practice law in this state for at least five years; experience in representation of low-income people in civil matters, which experience may be in the form of volunteer representation; knowledge of and demonstrated commitment to promoting access to the civil justice system for indigent persons; and proven managerial or supervisory experience. The director shall serve at the pleasure of the supreme court and receive a salary to be fixed by the oversight committee.

(3) The director shall:

(a) Contract with one or more qualified legal aid providers to provide civil legal aid services authorized by RCW 2.53.030;

(b) Monitor and oversee the use of state funding to ensure compliance with this chapter;

(c) Report quarterly to the civil legal aid oversight committee established in RCW 2.53.010 and the supreme court's access to justice board on the use of state funds for legal aid; periodically assess the most prevalent civil legal problems experienced by low-income people in Washington state and the capacity of the state-funded legal aid system to meet the legal needs arising from such problems; and report biennially on the status of access to the civil justice system for low-income people eligible for state-funded legal aid; and

(d) Submit ((~~a biennial~~)) budget requests.

(4) The office shall not provide direct representation of clients.

Sec. 2. RCW 2.53.030 and 2005 c 105 s 3 are each amended to read as follows:

(1)(a) The legislature recognizes the ethical obligation of attorneys to represent clients without interference by third parties in the discharge of professional obligations to clients. ((~~However,~~)) The legislature further finds that the prevalence of civil legal problems experienced by low-income people in Washington state exceeds the capacity of the state-funded legal aid system to address. To ensure the most beneficial use of state resources, the legislature finds ((~~that~~)) it ((~~is within the authority of the legislature to specify the categories of legal cases in which qualified legal aid programs may provide civil representation with state moneys~~)) appropriate to authorize legal assistance with respect to civil legal problems that directly affect important rights and basic needs of individual low-income residents and their families and to define certain limits on the use of state moneys appropriated for civil legal aid. Accordingly, moneys appropriated for civil legal ((~~representation~~)) aid pursuant to this section

shall not be used for legal representation that is either outside the scope of ((~~this section~~)) or prohibited by this section.

(b) Nothing in this section is intended to limit the authority of existing entities, including but not limited to the Washington state bar association, the public disclosure commission, the state auditor, and the federal legal services corporation to resolve issues within their respective jurisdictions.

(2) Any money appropriated by the legislature for civil ((~~representation of~~)) legal aid to indigent persons pursuant to this section shall be administered by the office of civil legal aid established under RCW 2.53.020, and shall be used solely for the purpose of contracting with qualified legal aid programs for legal representation of indigent persons in matters relating to: (a) Domestic relations and family law matters, (b) ((~~public~~)) governmental assistance and services, (c) health care, (((~~c~~))) (d) housing and utilities, (((~~(d) social security,~~))) (e) mortgage foreclosures, (f) ((~~home protection bankruptcies~~)) consumer, financial services, credit, and bankruptcy, (g) ((~~consumer fraud and unfair sales practices~~)) employment, (h) rights of residents of long-term care facilities, (i) wills, estates, and living wills, (j) elder abuse, ((~~and~~)) (k) guardianship, (l) disability rights, (m) education including special education, (n) administrative agency decisions, and (o) discrimination prohibited by local, state, or federal law.

(3) For purposes of this section, a "qualified legal aid program" means a not-for-profit corporation incorporated and operating exclusively in Washington which has received basic field funding for the provision of civil legal aid to indigents from the federal legal services corporation or that has received funding for civil legal aid for indigents under this section before July 1, 1997.

(4) When entering into a contract with a qualified legal aid provider under this section, the office of civil legal aid shall require the provider to provide legal aid in a manner that maximizes geographic access throughout the state and meets generally accepted standards for the delivery of civil legal aid.

(5) Funds distributed to qualified legal aid programs under this section may not be used directly or indirectly for:

(a) Lobbying.

(i) For purposes of this section, "lobbying" means any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device directly or indirectly intended to influence any member of congress or any other federal, state, or local nonjudicial official, whether elected or appointed:

(A) In connection with any act, bill, resolution, or similar legislation by the congress of the United States or by any state or local legislative body, or any administrative rule, rule-making activity, standard, rate, or other enactment by any federal, state, or local administrative agency;

(B) In connection with any referendum, initiative, constitutional amendment, or any similar procedure of the congress, any state legislature, any local council, or any similar governing body acting in a legislative capacity; or

(C) In connection with inclusion of any provision in a legislative measure appropriating funds to, or defining or limiting the functions or authority of, the recipient of funds under this section.

(ii) "Lobbying" does not include the response of an employee of a legal aid program to a written request from a governmental agency, an elected or appointed official, or committee on a specific matter. This exception does not

authorize communication with anyone other than the requesting party, or agent or employee of such agency, official, or committee.

(b) Grass roots lobbying. For purposes of this section, "grass roots lobbying" means preparation, production, or dissemination of information the purpose of which is to encourage the public at large, or any definable segment thereof, to contact legislators or their staff in support of or in opposition to pending or proposed legislation; or contribute to or participate in a demonstration, march, rally, lobbying campaign, or letter writing or telephone campaign for the purpose of influencing the course of pending or proposed legislation.

(c) Class action lawsuits.

(d) Participating in or identifying the program with prohibited political activities. For purposes of this section, "prohibited political activities" means (i) any activity directed toward the success or failure of a political party, a candidate for partisan or nonpartisan office, a partisan political group, or a ballot measure; (ii) advertising or contributing or soliciting financial support for or against any candidate, political group, or ballot measure; or (iii) voter registration or transportation activities.

(e) Representation in fee-generating cases. For purposes of this section, "fee-generating" means a case that might reasonably be expected to result in a fee for legal aid if undertaken by a private attorney. The charging of a fee pursuant to subsection (6) of this section does not establish the fee-generating nature of a case.

A fee-generating case may be accepted when: (i) The case has been rejected by the local lawyer referral services or by two private attorneys; (ii) neither the referral service nor two private attorneys will consider the case without payment of a consultation fee; (iii) after consultation with the appropriate representatives of the private bar, the program has determined that the type of case is one that private attorneys do not ordinarily accept, or do not accept without prepayment of a fee; or (iv) the director of the program or the director's designee has determined that referral of the case to the private bar is not possible because documented attempts to refer similar cases in the past have been futile, or because emergency circumstances compel immediate action before referral can be made, but the client is advised that, if appropriate and consistent with professional responsibility, referral will be attempted at a later time.

(f) Organizing any association, union, or federation, or representing a labor union. However, nothing in this subsection (5)(f) prohibits the provision of legal aid to clients as otherwise permitted by this section.

(g) Representation of ((~~undocumented aliens~~)) individuals who are in the United States without legal authority.

(h) Picketing, demonstrations, strikes, or boycotts.

(i) Engaging in inappropriate solicitation. For purposes of this section, "inappropriate solicitation" means promoting the assertion of specific legal claims among persons who know of their rights to make a claim and who decline to do so. Nothing in this subsection precludes a legal aid program or its employees from providing information regarding legal rights and responsibilities or providing information regarding the program's services and intake procedures through community legal education activities, responding to an individual's specific question about whether the individual should consult with an attorney or

take legal action, or responding to an individual's specific request for information about the individual's legal rights or request for assistance in connection with a specific legal problem.

(j) Conducting training programs that: (i) Advocate particular public policies; (ii) encourage or facilitate political activities, labor or antilabor activities, boycotts, picketing, strikes, or demonstrations; or (iii) attempt to influence legislation or rule making. Nothing in this subsection (5)(j) precludes representation of clients as otherwise permitted by this section.

(6) The office of civil legal aid may establish requirements for client participation in the provision of civil legal aid under this section, including but not limited to copayments and sliding fee scales.

(7)(a) Contracts entered into by the office of civil legal aid with qualified legal aid programs under this section must specify that the program's expenditures of moneys distributed under this section:

(i) Must be audited annually by an independent outside auditor. These audit results must be provided to the office of civil legal aid; and

(ii) Are subject to audit by the state auditor.

(b)(i) Any entity auditing a legal aid program under this section shall have access to all records of the legal aid program to the full extent necessary to determine compliance with this section, with the exception of confidential information protected by the United States Constitution, the state Constitution, the attorney-client privilege, and applicable rules of attorney conduct.

(ii) The legal aid program shall have a system allowing for production of case-specific information, including client eligibility and case type, to demonstrate compliance with this section, with the exception of confidential information protected by the United States Constitution, the state Constitution, the attorney-client privilege, and applicable rules of attorney conduct. Such information shall be available to any entity that audits the program.

(8) The office of civil legal aid must recover or withhold amounts determined by an audit to have been used in violation of this section.

(9) The office of civil legal aid may adopt rules to implement this section.

Sec. 3. RCW 2.53.045 and 2014 c 108 s 3 are each amended to read as follows:

(1) Money appropriated by the legislature for legal services provided by an attorney appointed pursuant to RCW 13.34.100 must be administered by the office of civil legal aid established under RCW 2.53.020.

(2) The office of civil legal aid ((~~may~~)) shall enter into contracts with ((~~the counties to disburse state funds for an attorney appointed pursuant to RCW 13.34.100. The office of civil legal aid may also require a county to use~~)) attorneys ((~~under contract with the office~~)) and agencies for the provision of legal services under RCW 13.34.100 to remain within appropriated amounts.

(3) Prior to distributing state funds under subsection (2) of this section, the office of civil legal aid must verify that attorneys providing legal representation to children under RCW 13.34.100 meet the standards of practice, voluntary training, and caseload limits developed and recommended by the statewide children's representation work group pursuant to section 5, chapter 180, Laws of 2010. Caseload limits described in this subsection must be determined as provided in RCW 13.34.100(6)(c)(ii).

Passed by the House February 12, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 22

[House Bill 2368]

TECHNICAL CORRECTIONS

AN ACT Relating to making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025; amending RCW 1.20.051, 6.23.120, 6.27.060, 9A.56.130, 11.02.005, 13.40.193, 15.24.100, 26.50.070, 43.43.823, 46.55.080, and 90.56.335; reenacting RCW 43.21B.005 and 51.32.095; creating a new section; repealing RCW 82.04.4483; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** RCW 1.08.025 directs the code reviser, with the approval of the statute law committee, to prepare legislation for submission to the legislature "concerning deficiencies, conflicts, or obsolete provisions" in statutes. This act makes technical, nonsubstantive amendments as follows:

(1) Section 2 of this act amends RCW 1.20.051 to conform the start and end dates of daylight saving time to the dates in federal law, 15 U.S.C. Sec. 260a.

(2) Section 3 of this act is intended to correct an apparent error in RCW 6.23.120. The legislature apparently intended to refer to one hundred twenty percent of the redemption amount, rather than one hundred twenty percent greater than the redemption amount. *P.H.T.S., LLC v. Vantage Capital, LLC*, 186 Wn. App. 281, 289 n.8, 345 P.3d 20, 24 (2015).

(3) Section 4 of this act is intended to correct an apparent error in RCW 6.27.060. The section contains a cross-reference to the fee schedule in RCW 36.18.020, when the actual fee is found in RCW 36.18.016(6).

(4) Section 5 of this act amends RCW 9A.56.130 to reflect multiple changes in subsection numbering of a cross-referenced section.

(5) Section 6 of this act is intended to correct an apparent error in RCW 11.02.005(10). One sentence in the subsection is repeated in nearly identical form in the same subsection.

(6) Section 7 of this act amends RCW 13.40.193 to reflect a change in subsection numbering of a cross-referenced section.

(7) Section 8 of this act is intended to correct an apparent error in RCW 15.24.100. Section 8, chapter 15, Laws of 2016 sp. sess. removed the language authorizing an assessment in RCW 15.24.100. The assessment referred to appears to be the assessment authorized in RCW 15.24.090.

(8) Section 9 of this act clarifies language in RCW 26.50.070(4) by consistently using the term "ex parte temporary order" throughout the subsection.

(9) Section 10 of this act merges a double amendment created when section 39, chapter 7, Laws of 2010 1st sp. sess. amended RCW 43.21B.005 without reference to the amendments made by section 4, chapter 210, Laws of 2010.

(10) Section 11 of this act is intended to correct an apparent error in RCW 43.43.823(5). RCW 9.41.114 provides a five-day deadline for firearms dealers to

report certain information, but the informational form in RCW 43.43.823(5) states that the deadline is two days.

(11) Section 12 of this act amends RCW 46.55.080 to reflect a change in subsection numbering of a cross-referenced section.

(12) Section 13 of this act is intended to remove doubt as to the validity of portions of RCW 51.32.095. Section 3, chapter 137, Laws of 2015 repealed the expiration date of 2013 and 2011 amendments to RCW 51.32.095, but allowed 2007 amendments to the section to expire on June 30, 2016.

(13) Section 14 of this act repeals RCW 82.04.4483, which was previously repealed by section 504, chapter 323, Laws of 2017 without cognizance of technical amendments made by section 19, chapter 135, Laws of 2017.

(14) Section 15 of this act is intended to clarify the expiration date of RCW 90.56.335. Section 950, chapter 36, Laws of 2016 sp. sess. (the supplemental omnibus appropriations act) amended RCW 90.56.335 without cognizance of the section's expiration date.

Sec. 2. RCW 1.20.051 and 1963 c 14 s 1 are each amended to read as follows:

At two o'clock antemeridian Pacific Standard Time of the ((~~last~~)) second Sunday in ((~~April~~)) March each year the time of the state of Washington shall be advanced one hour, and at two o'clock antemeridian Pacific Standard Time of the ((~~last~~)) first Sunday in ((~~October~~)) November in each year the time of the state of Washington shall, by the retarding of one hour, be returned to Pacific Standard Time.

Sec. 3. RCW 6.23.120 and 1987 c 442 s 712 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, during the period of redemption for any property that a person would be entitled to claim as a homestead, any licensed real estate broker within the county in which the property is located may nonexclusively list the property for sale whether or not there is a listing contract. If the property is not redeemed by the judgment debtor and a sheriff's deed is issued under RCW 6.21.120, then the property owner shall accept the highest current qualifying offer upon tender of full cash payment within two banking days after notice of the pending acceptance is received by the offeror. If timely tender is not made, such offer shall no longer be deemed to be current and the opportunity shall pass to the next highest current qualifying offer, if any. Notice of pending acceptance shall be given for the first highest current qualifying offer within five days after delivery of the sheriff's deed under RCW 6.21.120 and for each subsequent highest current qualifying offer within five days after the offer becoming the highest current qualifying offer. An offer is qualifying if the offer is made during the redemption period through a licensed real estate broker listing the property and is at least equal to the sum of: (a) One hundred twenty percent ((~~greater than~~)) of the redemption amount determined under RCW 6.23.020 and (b) the normal commission of the real estate broker or agent handling the offer.

(2) The proceeds shall be divided at the time of closing with: (a) One hundred twenty percent of the redemption amount determined under RCW 6.23.020 paid to the property owner, (b) the real estate broker's or agent's normal commission paid, and (c) any excess paid to the judgment debtor.

(3) Notice, tender, payment, and closing shall be made through the real estate broker or agent handling the offer.

(4) This section shall not apply to mortgage or deed of trust foreclosures under chapter 61.12 or 61.24 RCW.

Sec. 4. RCW 6.27.060 and 2003 c 222 s 17 are each amended to read as follows:

The judgment creditor as the plaintiff or someone in the judgment creditor's behalf shall apply for a writ of garnishment by affidavit, stating the following facts: (1) The plaintiff has a judgment wholly or partially unsatisfied in the court from which the writ is sought; (2) the amount alleged to be due under that judgment; (3) the plaintiff has reason to believe, and does believe that the garnishee, stating the garnishee's name and residence or place of business, is indebted to the defendant in amounts exceeding those exempted from garnishment by any state or federal law, or that the garnishee has possession or control of personal property or effects belonging to the defendant which are not exempted from garnishment by any state or federal law; and (4) whether or not the garnishee is the employer of the judgment debtor.

The judgment creditor shall pay to the clerk of the superior court the fee provided by RCW ((~~36.18.020~~)) 36.18.016(6), or to the clerk of the district court the fee provided by RCW 3.62.060.

Sec. 5. RCW 9A.56.130 and 2002 c 47 s 2 are each amended to read as follows:

(1) A person is guilty of extortion in the second degree if he or she commits extortion by means of a wrongful threat as defined in RCW 9A.04.110(((~~25~~)))(28) (d) through (j).

(2) In any prosecution under this section based on a threat to accuse any person of a crime or cause criminal charges to be instituted against any person, it is a defense that the actor reasonably believed the threatened criminal charge to be true and that his or her sole purpose was to compel or induce the person threatened to take reasonable action to make good the wrong which was the subject of such threatened criminal charge.

(3) Extortion in the second degree is a class C felony.

Sec. 6. RCW 11.02.005 and 2014 c 58 s 18 are each amended to read as follows:

When used in this title, unless otherwise required from the context:

(1) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(2) "Codicil" means a will that modifies or partially revokes an existing earlier will. A codicil need not refer to or be attached to the earlier will.

(3) "Degree of kinship" means the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(4) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.

(5) "Guardian" or "limited guardian" means a personal representative of the person or estate of an incompetent or disabled person as defined in RCW 11.88.010 and the term may be used in lieu of "personal representative" wherever required by context.

(6) "Heirs" denotes those persons, including the surviving spouse or surviving domestic partner, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on the decedent's death intestate.

(7) "Internal revenue code" means the United States internal revenue code of 1986, as amended or renumbered as of January 1, 2001.

(8) "Issue" means all the lineal descendants of an individual. An adopted individual is a lineal descendant of each of his or her adoptive parents and of all individuals with regard to which each adoptive parent is a lineal descendant. A child conceived prior to the death of a parent but born after the death of the deceased parent is considered to be the surviving issue of the deceased parent for purposes of this title.

(9) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the deceased or the estate.

(10) "Nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under a written instrument or arrangement other than the person's will. "Nonprobate asset" includes, but is not limited to, a right or interest passing under a joint tenancy with right of survivorship, joint bank account with right of survivorship, transfer on death deed, payable on death or trust bank account, transfer on death security or security account, deed or conveyance if possession has been postponed until the death of the person, trust of which the person is grantor and that becomes effective or irrevocable only upon the person's death, community property agreement, individual retirement account or bond, or note or other contract the payment or performance of which is affected by the death of the person. "Nonprobate asset" does not include: A payable-on-death provision of a life insurance policy, annuity, or other similar contract, or of an employee benefit plan; a right or interest passing by descent and distribution under chapter 11.04 RCW; a right or interest if, before death, the person has irrevocably transferred the right or interest, the person has waived the power to transfer it or, in the case of contractual arrangement, the person has waived the unilateral right to rescind or modify the arrangement; or a right or interest held by the person solely in a fiduciary capacity. For the definition of "nonprobate asset" relating to revocation of a provision for a former spouse upon dissolution of marriage or declaration of invalidity of marriage, RCW 11.07.010(5) applies. ((~~For the definition of "nonprobate asset" relating to revocation of a provision for a former spouse upon dissolution of marriage or declaration of invalidity of marriage, see RCW 11.07.010(5).~~)) For the definition of "nonprobate asset" relating to testamentary disposition of nonprobate assets, see RCW 11.11.010(7).

(11) "Personal representative" includes executor, administrator, special administrator, and guardian or limited guardian and special representative.

(12) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all

interest therein possessed and claimed in fee simple, or for the life of a third person.

(13) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to a decedent, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the decedent who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the decedent but who left issue surviving the decedent; each share of a deceased person in the nearest degree must be divided among those of the deceased person's issue who survive the decedent and have no ancestor then living who is in the line of relationship between them and the decedent, those more remote in degree taking together the share which their ancestor would have taken had he or she survived the decedent.

(14) References to "section 2033A" of the internal revenue code in wills, trust agreements, powers of appointment, beneficiary designations, and other instruments governed by or subject to this title are deemed to refer to the comparable or corresponding provisions of section 2057 of the internal revenue code, as added by section 6006(b) of the internal revenue service restructuring act of 1998 (H.R. 2676, P.L. 105-206); and references to the section 2033A "exclusion" are deemed to mean the section 2057 deduction.

(15) "Settlor" has the same meaning as provided for "trustor" in this section.

(16) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(17) "Surviving spouse" or "surviving domestic partner" does not include an individual whose marriage to or state registered domestic partnership with the decedent has been terminated, dissolved, or invalidated unless, by virtue of a subsequent marriage or state registered domestic partnership, he or she is married to or in a domestic partnership with the decedent at the time of death. A decree of separation that does not terminate the status of spouses or domestic partners is not a dissolution or invalidation for purposes of this subsection.

(18) "Trustee" means an original, added, or successor trustee and includes the state, or any agency thereof, when it is acting as the trustee of a trust to which chapter 11.98 RCW applies.

(19) "Trustor" means a person, including a testator, who creates, or contributes property to, a trust.

(20) "Will" means an instrument validly executed as required by RCW 11.12.020.

Words that import the singular number may also be applied to the plural of persons and things.

Words importing the masculine gender only may be extended to females also.

Sec. 7. RCW 13.40.193 and 2014 c 117 s 1 are each amended to read as follows:

(1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(2)(a)(((~~(iii)~~)))(iv), the court shall impose a minimum disposition of ten days of confinement. If the offender's standard range of

disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2)(a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(b) For purposes of this section, "qualifying program" means an aggression replacement training program, a functional family therapy program, or another program applicable to the juvenile firearm offender population that has been identified as evidence-based or research-based and cost-beneficial in the current list prepared at the direction of the legislature by the Washington state institute for public policy.

(3) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun in a felony, the following periods of total confinement must be added to the sentence: For a class A felony, six months; for a class B felony, four months; and for a class C felony, two months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357.

(4) When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

(5) Any term of confinement ordered pursuant to this section shall run consecutively to any term of confinement imposed in the same disposition for other offenses.

Sec. 8. RCW 15.24.100 and 2016 sp.s. c 15 s 8 are each amended to read as follows:

(1) A petition may be filed with the commission to reduce the assessment authorized in ((~~this section~~)) RCW 15.24.090 to zero. To be valid, the petition must be signed by at least eight percent of all apple growers eligible to vote in commission referendum elections. The petition shall contain the name of a person designated to represent the petitioners.

(2) Upon receipt of a valid petition, the commission shall prepare a document discussing the substance of the petition. A statement in favor of the petition shall be written by the proponents of the petition. A statement opposing the petition may be written by the commission or an opponent. The document

and a notice of public hearing shall be sent to apple growers eligible to vote in commission referendum elections at least twenty days prior to the scheduled public hearings. The commission shall hold public hearings in Yakima and Wenatchee on the petition.

(3) Following the public hearings, the question of whether to reduce the assessment authorized in ((~~this section~~)) RCW 15.24.090 to zero shall be referred to a referendum mail ballot. The commission shall certify to the director a list of apple growers eligible to vote in commission referendum elections. The referendum shall be conducted and supervised by the director using the certified list. Inadvertent failure to notify a grower does not invalidate a referendum.

(4) The referendum will be approved if a simple majority of apple growers voting in the referendum election vote in favor of the elimination of the assessment. The director will certify the results of the vote.

(5) The referendum vote shall be binding and may not be overturned by action of the commission or director. If the referendum is approved, the commission shall immediately commence activities to wind down its operations. However, the elimination of the assessment shall not be effective until six months from the date the referendum result is certified by the director. If the referendum fails, neither the commission nor the director will take further action on the petition.

(6) The commission is responsible for all its own costs and all the director's costs associated with the hearing, notice, and referendum process. A subsequent petition may not be filed any sooner than five years following the certification of the results of any previously held referendum conducted under this section.

Sec. 9. RCW 26.50.070 and 2010 c 274 s 305 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;

(c) Prohibiting any party from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

(e) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

(f) Considering the provisions of RCW 9.41.800; and

(g) Restraining the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260.

(2) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte temporary order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the ex parte temporary order or not later than twenty-four days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be personally served with a copy of the ex parte temporary order along with a copy of the petition and notice of the date set for the hearing.

(5) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(6) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order of protection shall be filed with the court.

Sec. 10. RCW 43.21B.005 and 2010 1st sp.s. c 7 s 39 and 2010 c 210 s 4 are each reenacted to read as follows:

(1) There is created an environmental and land use hearings office of the state of Washington. The environmental and land use hearings office consists of the pollution control hearings board created in RCW 43.21B.010, the shorelines hearings board created in RCW 90.58.170, and the growth management hearings board created in RCW 36.70A.250. The governor shall designate one of the members of the pollution control hearings board or growth management hearings board to be the director of the environmental and land use hearings office during the term of the governor. Membership, powers, functions, and duties of the pollution control hearings board, the shorelines hearings board, and the growth management hearings board shall be as provided by law.

(2) The director of the environmental and land use hearings office may appoint one or more administrative appeals judges in cases before the environmental boards and, with the consent of the chair of the growth management hearings board, one or more hearing examiners in cases before the land use board comprising the office. The administrative appeals judges shall possess the powers and duties conferred by the administrative procedure act, chapter 34.05 RCW, have a demonstrated knowledge of environmental law, and shall be admitted to the practice of law in the state of Washington. The hearing examiners possess the powers and duties provided for in RCW 36.70A.270.

(3) Administrative appeals judges are not subject to chapter 41.06 RCW. The administrative appeals judges appointed under subsection (2) of this section are subject to discipline and termination, for cause, by the director of the environmental and land use hearings office. Upon written request by the person so disciplined or terminated, the director of the environmental and land use hearings office shall state the reasons for such action in writing. The person

affected has a right of review by the superior court of Thurston county on petition for reinstatement or other remedy filed within thirty days of receipt of such written reasons.

(4) The director of the environmental and land use hearings office may appoint, discharge, and fix the compensation of such administrative or clerical staff as may be necessary.

(5) The director of the environmental and land use hearings office may also contract for required services.

Sec. 11. RCW 43.43.823 and 2017 c 261 s 3 are each amended to read as follows:

(1) Upon receipt of the information from the Washington association of sheriffs and police chiefs pursuant to RCW 36.28A.400, the Washington state patrol must incorporate the information into its electronic database accessible to law enforcement agencies and officers, including federally recognized Indian tribes, that have a connection to the Washington state patrol electronic database.

(2) Upon receipt of documentation that a person has appealed a background check denial, the Washington state patrol shall immediately remove the record of the person initially reported pursuant to RCW 36.28A.400 from its electronic database accessible to law enforcement agencies and officers. The Washington state patrol must keep a separate record of the person's information for a period of one year or until such time as the appeal has been resolved. Every twelve months, the Washington state patrol shall notify the person that the person must provide documentation that his or her appeal is still pending or the record of the person's background check denial will be put back in its electronic database accessible to law enforcement agencies and officers. At any time, upon receipt of documentation that a person's appeal has been granted, the Washington state patrol shall remove any record of the person's denied firearms purchase or transfer application from its electronic database accessible to law enforcement agencies and officers.

(3) Upon receipt of satisfactory proof that a person who was reported to the Washington state patrol pursuant to RCW 36.28A.400 is no longer ineligible to possess a firearm under state or federal law, the Washington state patrol must remove any record of the person's denied firearms purchase or transfer application from its electronic database accessible to law enforcement agencies and officers.

(4) Upon receipt of notification from the Washington association of sheriffs and police chiefs that a person originally denied the purchase or transfer of a firearm as the result of a background check or completed and submitted firearm purchase or transfer application that indicates the applicant is ineligible to possess a firearm under state or federal law has subsequently been approved for the purchase or transfer, the Washington state patrol must remove any record of the person's denied firearms purchase or transfer application from its electronic database accessible to law enforcement agencies and officers within five business days.

(5) The Washington state patrol shall generate and distribute a notice form to all firearm dealers, to be provided by the dealers to applicants denied the purchase or transfer of a firearm as a result of a background check that indicates the applicant is ineligible to possess a firearm. The notice form must contain the following statements:

State law requires that I transmit the following information to the Washington association of sheriffs and police chiefs as a result of your firearm purchase or transfer denial within ((~~two~~)) five days of the denial:

(a) Identifying information of the applicant;

(b) The date of the application and denial of the application;

(c) Other information as prescribed by the Washington association of sheriffs and police chiefs.

If you believe this denial is in error, and you do not exercise your right to appeal, you may be subject to criminal investigation by the Washington state patrol and/or a local law enforcement agency.

The notice form shall also contain information directing the applicant to a web site describing the process of appealing a national instant criminal background check system denial through the federal bureau of investigation and refer the applicant to local law enforcement for information on a denial based on a state background check. The notice form shall also contain a phone number for a contact at the Washington state patrol to direct the person to resources regarding an individual's right to appeal a background check denial.

(6) The Washington state patrol may adopt rules as are necessary to carry out the purposes of this section.

Sec. 12. RCW 46.55.080 and 1999 c 398 s 4 are each amended to read as follows:

(1) If a vehicle is in violation of the time restrictions of RCW 46.55.010(((~~(13)~~)))(14), it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or an agent if it is on private property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

(2) The person requesting a private impound or a law enforcement officer or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound. A registered tow truck operator, employee, or his or her agent may not serve as an agent of a property owner for the purposes of signing an impound authorization or, independent of the property owner, identify a vehicle for impound.

(3) In the case of a private impound, the impound authorization shall include the following statement: "A person authorizing this impound, if the impound is found in violation of chapter 46.55 RCW, may be held liable for the costs incurred by the vehicle owner."

(4) A registered tow truck operator shall record and keep in the operator's files the date and time that a vehicle is put in the operator's custody and released. The operator shall make an entry into a master log regarding transactions relating to impounded vehicles. The operator shall make this master log available, upon request, to representatives of the department or the state patrol.

(5) A person who engages in or offers to engage in the activities of a registered tow truck operator may not be associated in any way with a person or business whose main activity is authorizing the impounding of vehicles.

Sec. 13. RCW 51.32.095 and 2015 c 137 s 2 are each reenacted to read as follows:

(1) One of the primary purposes of this title is to enable the injured worker to become employable at gainful employment. To this end, the department or self-insurers must utilize the services of individuals and organizations, public or private, whose experience, training, and interests in vocational rehabilitation and retraining qualify them to lend expert assistance to the supervisor of industrial insurance in such programs of vocational rehabilitation as may be reasonable to make the worker employable consistent with his or her physical and mental status. Where, after evaluation and recommendation by such individuals or organizations and prior to final evaluation of the worker's permanent disability and in the sole opinion of the supervisor or supervisor's designee, whether or not medical treatment has been concluded, vocational rehabilitation is both necessary and likely to enable the injured worker to become employable at gainful employment, the supervisor or supervisor's designee may, in his or her sole discretion, pay or, if the employer is a self-insurer, direct the self-insurer to pay the cost as provided in subsection (5) of this section or RCW 51.32.099, as appropriate. An injured worker may not participate in vocational rehabilitation under this section or RCW 51.32.099 if such participation would result in a payment of benefits as described in RCW 51.32.240(5), and any benefits so paid must be recovered according to the terms of that section.

(2) Vocational rehabilitation services may be provided to an injured worker when in the sole discretion of the supervisor or the supervisor's designee vocational rehabilitation is both necessary and likely to make the worker employable at gainful employment. In determining whether to provide vocational services and at what level, the following list must be used, in order of priority with the highest priority given to returning a worker to employment:

(a) Return to the previous job with the same employer;

(b) Modification of the previous job with the same employer including transitional return to work;

(c) A new job with the same employer in keeping with any limitations or restrictions;

(d) Modification of a new job with the same employer including transitional return to work;

(e) Modification of the previous job with a new employer;

(f) A new job with a new employer or self-employment based upon transferable skills;

(g) Modification of a new job with a new employer;

(h) A new job with a new employer or self-employment involving on-the-job training;

(i) Short-term retraining.

(3) Notwithstanding subsection (2) of this section, vocational services may be provided to an injured worker who has suffered the loss or complete use of both legs, or arms, or one leg and one arm, or total eyesight when, in the sole discretion of the supervisor or the supervisor's designee, these services will either substantially improve the worker's quality of life or substantially improve the worker's ability to function in an employment setting, regardless of whether or not these services are either necessary or reasonably likely to make the worker employable at any gainful employment. Vocational services must be completed

prior to the commencement of the worker's entitlement to benefits under RCW 51.32.060. However, workers who are eligible for vocational services under this subsection are not eligible for option 2 benefits, as provided in RCW 51.32.099(4) and 51.32.096.

(4) To encourage the employment of individuals who have suffered an injury or occupational disease resulting in permanent disability which may be a substantial obstacle to employment, the supervisor or supervisor's designee, in his or her sole discretion, may provide assistance including job placement services for eligible injured workers who are receiving vocational services under the return-to-work priorities listed in subsection (2)(b) through (i) of this section, except for self-employment, and to employers that employ them. The assistance listed in (a) through (f) of this subsection is only available in cases where the worker is employed:

(a) Reduction or elimination of premiums or assessments owed by employers for such workers;

(b) Reduction or elimination of charges against the employers in the event of further injury to such workers in their employ;

(c) Reimbursement of the injured worker's wages for light duty or transitional work consistent with the limitations in RCW 51.32.090(4)(c);

(d) Reimbursement for the costs of clothing that is necessary to allow the worker to perform the offered work consistent with the limitations in RCW 51.32.090(4)(e);

(e) Reimbursement for the costs of tools or equipment to allow the worker to perform the work consistent with the limitations in RCW 51.32.090(4)(f);

(f) A one-time payment equal to the lesser of ten percent of the worker's wages including commissions and bonuses paid or ten thousand dollars for continuous employment without reduction in base wages for at least twelve months. The twelve months begin the first date of employment and the one-time payment is available at the sole discretion of the supervisor of industrial insurance;

(g) The benefits described in this section are available to a state fund employer without regard to whether the worker was employed by the state fund employer at the time of injury. The benefits are available to a self-insured employer only in cases where the worker was employed by a state fund employer at the time of injury or occupational disease manifestation;

(h) The benefits described in (a) through (f) of this subsection (4) are only available in instances where a vocational rehabilitation professional and the injured worker's health care provider have confirmed that the worker has returned to work that is consistent with the worker's limitations and physical restrictions.

(5)(a) Except as provided in (b) of this subsection, costs for vocational rehabilitation benefits allowed by the supervisor or supervisor's designee under subsection (1) of this section may include the cost of books, tuition, fees, supplies, equipment, transportation, child or dependent care, and other necessary expenses for any such worker in an amount not to exceed three thousand dollars in any fifty-two week period, and the cost of continuing the temporary total disability compensation under RCW 51.32.090 while the worker is actively and successfully undergoing a formal program of vocational rehabilitation.

(b) Beginning with vocational rehabilitation plans approved on or after July 1, 1999, through December 31, 2007, costs for vocational rehabilitation benefits allowed by the supervisor or supervisor's designee under subsection (1) of this section may include the cost of books, tuition, fees, supplies, equipment, child or dependent care, and other necessary expenses for any such worker in an amount not to exceed four thousand dollars in any fifty-two week period, and the cost of transportation and continuing the temporary total disability compensation under RCW 51.32.090 while the worker is actively and successfully undergoing a formal program of vocational rehabilitation.

(c) The expenses allowed under (a) or (b) of this subsection may include training fees for on-the-job training and the cost of furnishing tools and other equipment necessary for self-employment or reemployment. However, compensation or payment of retraining with job placement expenses under (a) or (b) of this subsection may not be authorized for a period of more than fifty-two weeks, except that such period may, in the sole discretion of the supervisor after his or her review, be extended for an additional fifty-two weeks or portion thereof by written order of the supervisor.

(d) In cases where the worker is required to reside away from his or her customary residence, the reasonable cost of board and lodging must also be paid.

(e) Costs paid under this subsection must be chargeable to the employer's cost experience or must be paid by the self-insurer as the case may be.

(6) In addition to the vocational rehabilitation expenditures provided for under subsection (5) of this section and RCW 51.32.099, an additional five thousand dollars may, upon authorization of the supervisor or the supervisor's designee, be expended for: (a) Accommodations for an injured worker that are medically necessary for the worker to participate in an approved retraining plan; and (b) accommodations necessary to perform the essential functions of an occupation in which an injured worker is seeking employment, consistent with the retraining plan or the recommendations of a vocational evaluation. The injured worker's attending physician or licensed advanced registered nurse practitioner must verify the necessity of the modifications or accommodations. The total expenditures authorized in this subsection and the expenditures authorized under RCW 51.32.250 may not exceed five thousand dollars.

(7)(a) When the department has approved a vocational plan for a worker prior to January 1, 2008, regardless of whether the worker has begun participating in the approved plan, costs for vocational rehabilitation benefits allowed by the supervisor or supervisor's designee under subsection (1) of this section are limited to those provided under subsections (5) and (6) of this section.

(b) For vocational plans approved for a worker between January 1, 2008, through July 31, 2015, total vocational costs allowed by the supervisor or supervisor's designee under subsection (1) of this section is limited to those provided under the pilot program established in RCW 51.32.099, and vocational rehabilitation services must conform to the requirements in RCW 51.32.099.

(8) The department must establish criteria to monitor the quality and effectiveness of rehabilitation services provided by the individuals and organizations. The state fund must make referrals for vocational rehabilitation services based on these performance criteria.

(9) The department must engage in, where feasible and cost-effective, a cooperative program with the state employment security department to provide job placement services under this section including participation by the department as a partner with WorkSource and with the private vocational rehabilitation community to refer workers to these vocational professionals for job search and job placement assistance. As a partner, the department must place vocational professional full-time employees at selected WorkSource locations who will work with employers to market the benefits of on-the-job training programs and preferred worker financial incentives as described in RCW 51.32.095(4). For the purposes of this subsection, "WorkSource" means the established state system that administers the federal workforce investment act of 1998.

(10) The benefits in this section, RCW 51.32.099, and 51.32.096 must be provided for the injured workers of self-insured employers. Self-insurers must report both benefits provided and benefits denied in the manner prescribed by the department by rule adopted under chapter 34.05 RCW. The director may, in his or her sole discretion and upon his or her own initiative or at any time that a dispute arises under this section, RCW 51.32.099, or 51.32.096, promptly make such inquiries as circumstances require and take such other action as he or she considers will properly determine the matter and protect the rights of the parties.

(11) Except as otherwise provided, the benefits provided for in this section, RCW 51.32.099, and 51.32.096 are available to any otherwise eligible worker regardless of the date of industrial injury. However, claims may not be reopened solely for vocational rehabilitation purposes.

NEW SECTION. **Sec. 14.** RCW 82.04.4483 (Credit—Programming or manufacturing software in rural counties) and 2017 c 135 s 19, 2010 c 114 s 119, & 2004 c 25 s 1 are each repealed.

Sec. 15. RCW 90.56.335 and 2016 sp.s. c 36 s 950 are each amended to read as follows:

(1) The vessel response account is created in the state treasury. Grants, gifts, and federal funds may be deposited into the account. Oil spill penalties assessed against ships under RCW 90.56.330 and 90.48.144 shall also be deposited into the account as well as the money distributed under RCW 46.68.020(2). Moneys in the account may be spent only after appropriation. The department of ecology is authorized to utilize the vessel response account to preposition a dedicated rescue tug at the entrance to the Strait of Juan de Fuca to reduce the risk of major maritime accidents and oil spills on the outer coast and western strait. Prior to authorizing the rescue tug to respond to a distressed vessel, the department shall work with the United States coast guard and industry to determine if another capable, unencumbered commercial tug is available in the area that can respond. If such a tug can respond without increasing the risk of a casualty, it should be deployed as the tug of choice and the state-contracted rescue tug should not be taken off standby duty. The department is also authorized to spot charter tugs as needed during major storms and other high risk periods to protect maritime commerce and the environment anywhere in state waters.

(2) The department shall not proceed with rule making related to emergency towing pursuant to chapter 88.46 RCW, so long as the deposit of the fee into the

vessel response account under RCW 46.68.020(2) is continued and is appropriated for the purpose of the dedicated rescue tug.

(3) During the 2015-2017 fiscal biennium, the legislature may transfer from the vessel response account to the environmental legacy stewardship account such amounts as reflect the excess fund balance of the account.

(4) This section expires July 1, 2020.

Passed by the House February 12, 2018.

Passed by the Senate February 27, 2018.

Approved by the Governor March 9, 2018.

Filed in Office of Secretary of State March 9, 2018.

CHAPTER 23

[Substitute House Bill 2398]

JURY SELECTION--MEMBERSHIP IN PROTECTED CLASS

AN ACT Relating to jury selection; and amending RCW 2.36.080.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 2.36.080 and 2015 c 7 s 3 are each amended to read as follows:

(1) It is the policy of this state that all persons selected for jury service be selected at random from a fair cross section of the population of the area served by the court, and that all qualified citizens have the opportunity in accordance with chapter 135, Laws of 1979 ex. sess. to be considered for jury service in this state and have an obligation to serve as jurors when summoned for that purpose.

(2) It is the policy of this state to maximize the availability of residents of the state for jury service. It also is the policy of this state to minimize the burden on the prospective jurors, their families, and employers resulting from jury service. The jury term and jury service should be set at as brief an interval as is practical given the size of the jury source list for the judicial district. The optimal jury term is one week or less. Optimal juror service is one day or one trial, whichever is longer.

(3) A citizen shall not be excluded from jury service in this state on account of membership in a protected class recognized in RCW 49.60.030, or on account of ((~~race, color, religion, sex, national origin, or~~)) economic status.

(4) This section does not affect the right to peremptory challenges under RCW 4.44.130, the right to general causes of challenge under RCW 4.44.160, the right to particular causes of challenge under RCW 4.44.170, or a judge's duty to excuse a juror under RCW 2.36.110.

Passed by the House February 8, 2018.

Passed by the Senate February 27, 2018.

Approved by the Governor March 9, 2018.

Filed in Office of Secretary of State March 9, 2018.

CHAPTER 24

[House Bill 2479]

PROPERTY ASSESSMENT APPEALS--TIMELINE

AN ACT Relating to Washington's property assessment appeal procedures; and amending RCW 84.48.150.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 84.48.150 and 1994 c 301 s 46 are each amended to read as follows:

(1) The assessor ((~~shall~~)) must, upon the request of any taxpayer who petitions the board of equalization for review of a tax claim or valuation dispute, make available to said taxpayer a compilation of comparable sales utilized by the assessor in establishing such taxpayer's property valuation. If valuation criteria other than comparable sales were used, the assessor ((~~shall~~)) must furnish the taxpayer with such other factors and the addresses of such other property used in making the determination of value.

(2) The assessor ((~~shall~~)) must within sixty days of such request but at least ((~~fourteen~~)) twenty-one business days, excluding legal holidays, prior to such taxpayer's appearance before the board of equalization make available to the taxpayer the valuation criteria and/or comparable sales ((~~which shall~~)) that may not be subsequently changed by the assessor unless the assessor has found new evidence supporting the assessor's valuation, in which situation the assessor ((~~shall~~)) must provide such additional evidence to the taxpayer and the board of equalization at least ((~~fourteen~~)) twenty-one business days prior to the hearing at the board of equalization. A taxpayer who lists comparable sales on a notice of appeal ((~~shall~~)) may not subsequently change such sales unless the taxpayer has found new evidence supporting the taxpayer's proposed valuation in which case the taxpayer ((~~shall~~)) must provide such additional evidence to the assessor and board of equalization at least ((~~seven~~)) twenty-one business days, excluding legal holidays, prior to the hearing. If either the assessor or taxpayer does not meet the requirements of this section the board of equalization may continue the hearing to provide the parties an opportunity to review all evidence or, upon objection, refuse to consider sales not submitted in a timely manner.

Passed by the House February 14, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 25

[House Bill 2517]

ALCOHOL MANUFACTURER ANCILLARY ACTIVITIES--PENALTIES

AN ACT Relating to the issuance of penalties for a licensed alcohol manufacturer's ancillary activities; and adding a new section to chapter 66.24 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 66.24 RCW to read as follows:

(1) The state liquor and cannabis board must, by rule, adopt a schedule of penalties for a licensed alcohol manufacturer who has committed a violation as part of the licensee's ancillary activities.

(2)(a) The schedule of penalties adopted under subsection (1) of this section may include:

(i) The issuance of a monetary penalty;

(ii) The suspension, revocation, or cancellation of the licensee's ability to conduct ancillary activities; or

(iii) A monetary option in lieu of suspension or revocation.

(b) The schedule of penalties may not include the issuance of a suspension, revocation, or cancellation of an alcohol manufacturer's license and may not exceed the schedule of penalties for a similar violation committed by a retail licensee.

(3) For the purposes of this section, "ancillary activities" means the licensee's activities involving the public, as authorized by statute or by state liquor and cannabis board rule, relating to serving samples, operating a tasting room, conducting retail sales, serving alcohol under a restaurant license issued under this chapter, or serving alcohol with a special occasion license.

Passed by the House February 8, 2018.

Passed by the Senate February 27, 2018.

Approved by the Governor March 9, 2018.

Filed in Office of Secretary of State March 9, 2018.

CHAPTER 26

[Substitute House Bill 2528]

ELECTIONS--CONTINUITY OF OPERATIONS PLANS

AN ACT Relating to providing for the coordination of continuity of operations efforts for elections; amending RCW 38.52.030; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that, in 2017, the federal department of homeland security designated election infrastructure as part of our nation's critical infrastructure. Elections play a vital role in our democracy, and it is important that election administrators are able to continue election operations during emergencies. Given the federal designation of election infrastructure as critical infrastructure, counties should maintain a continuity of operations plan for the continuity of elections and the full execution of essential election operations in emergencies.

Sec. 2. RCW 38.52.030 and 2015 c 61 s 3 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain

liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural, technological, or human caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive emergency management plan must specify the use of the incident command system for multiagency/multijurisdiction operations. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The emergency management council shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director, through the state enhanced 911 coordinator, shall coordinate and facilitate implementation and operation of a statewide enhanced 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural, technological, or human caused disaster, as defined by RCW 38.52.010((~~(5)~~)) (6). Such program may be integrated into and coordinated with disaster assistance plans and programs of

the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency mitigation, preparedness, response, and recovery;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

(11) The director is responsible to the governor to lead the development and management of a program for interagency coordination and prioritization of continuity of operations planning by state agencies. Each state agency is responsible for developing an organizational continuity of operations plan that is updated and exercised annually in compliance with the program for interagency coordination of continuity of operations planning.

(12) The director shall maintain a copy of the continuity of operations plan for election operations for each county that has a plan available.

Passed by the House February 12, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 27

[Substitute House Bill 2530]

FOSTER YOUTH--REUNIFICATION--CONTINUATION OF HEALTH CARE BENEFITS

AN ACT Relating to foster youth health care benefits; amending RCW 74.09.860; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 74.09.860 and 2015 c 283 s 1 are each amended to read as follows:

(1) The authority shall issue a request for proposals to provide integrated managed health and behavioral health care for foster children receiving care through the medical assistance program. Behavioral health services provided under chapters 71.24((,)) and 71.34((, and 70.96A)) RCW must be integrated into the managed health care plan for foster children beginning ((October 1, 2018)) January 1, 2019. The request for proposals must address the program elements described in section 110, chapter 225, Laws of 2014, including development of a service delivery system, benefit design, reimbursement mechanisms, incorporation or coordination of services currently provided by the regional support networks, and standards for contracting with health plans. The request for proposals must be issued and completed in time for services under the integrated managed care plan to begin on October 1, 2016.

(2) The parent or guardian of a child who is no longer a dependent child pursuant to chapter 13.34 RCW may choose to continue in the transitional foster care eligibility category for up to twelve months following reunification with the child's parents or guardian if the child:

(a) Is under eighteen years of age;

(b) Was in foster care under the legal responsibility of the department of social and health services, the department of children, youth, and families, or a federally recognized Indian tribe located within the state; and

(c) Meets income and other eligibility standards for medical assistance coverage.

NEW SECTION. **Sec. 2.** This act takes effect July 1, 2018.

Passed by the House February 8, 2018.
Passed by the Senate February 28, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 28

[Substitute House Bill 2576]

FIRE PROTECTION DISTRICTS--ANNEXATIONS AND MERGERS--REASONABLE PROXIMITY

AN ACT Relating to allowing fire protection district annexations and mergers within a reasonable geographic proximity; and amending RCW 52.04.011, 52.06.090, 52.26.030, 52.04.031, 52.26.020, 52.26.060, and 52.26.300.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 52.04.011 and 2015 c 53 s 73 are each amended to read as follows:

(1) A territory ((adjacent)) located within reasonable proximity to a fire protection district and not within the boundaries of a city, town, or other fire protection district may be annexed to the fire protection district by petition of fifteen percent of the qualified registered electors residing within the territory proposed to be annexed. Such territory may be located in a county or counties other than the county or counties within which the fire protection district is located. The petition shall be filed with the fire commissioners of the fire protection district and if the fire commissioners concur in the petition they shall file the petition with the county auditor of the county within which the territory

is located. If this territory is located in more than one county, the original petition shall be filed with the auditor of the county within which the largest portion of the territory is located, who shall be designated as the lead auditor, and a copy shall be filed with the auditor of each other county within which such territory is located. Within thirty days after the date of the filing of the petition the auditor shall examine the signatures on the petition and certify to the sufficiency or insufficiency of the signatures. If this territory is located in more than one county, the auditor of each other county who receives a copy of the petition shall examine the signatures and certify to the lead auditor the number of valid signatures and the number of registered voters residing in that portion of the territory that is located within the county. The lead auditor shall certify the sufficiency or insufficiency of the signatures.

After the county auditor has certified the sufficiency of the petition, the county legislative authority or authorities, or the boundary review board or boards, of the county or counties in which such territory is located shall consider the proposal under the same basis that a proposed incorporation of a fire protection district is considered, with the same authority to act on the proposal as in a proposed incorporation, as provided under chapter 52.02 RCW. If the proposed annexation is approved by the county legislative authority or boundary review board, the board of fire commissioners shall adopt a resolution requesting the county auditor to call a special election, as specified under RCW 29A.04.330, at which the ballot proposition is to be submitted. No annexation shall occur when the territory proposed to be annexed is located in more than one county unless the county legislative authority or boundary review board of each county approves the proposed annexation.

(2) The county legislative authority or authorities of the county or counties within which such territory is located have the authority and duty to determine on an equitable basis, the amount of any obligation which the territory to be annexed to the district shall assume to place the property owners of the existing district on a fair and equitable relationship with the property owners of the territory to be annexed as a result of the benefits of annexing to a district previously supported by the property owners of the existing district. If a boundary review board has had its jurisdiction invoked on the proposal and approves the proposal, the county legislative authority of the county within which such territory is located may exercise the authority granted in this subsection and require such an assumption of indebtedness. This obligation may be paid to the district in yearly benefit charge installments to be fixed by the county legislative authority. This benefit charge shall be collected with the annual tax levies against the property in the annexed territory until fully paid. The amount of the obligation and the plan of payment established by the county legislative authority shall be described in general terms in the notice of election for annexation and shall be described in the ballot proposition on the proposed annexation that is presented to the voters for their approval or rejection. Such benefit charge shall be limited to an amount not to exceed a total of fifty cents per thousand dollars of assessed valuation: PROVIDED, HOWEVER, That the special election on the proposed annexation shall be held only within the boundaries of the territory proposed to be annexed to the fire protection district.

(3) On the entry of the order of the county legislative authority incorporating the territory into the existing fire protection district, the territory

shall become subject to the indebtedness, bonded or otherwise, of the existing district. If the petition is signed by sixty percent of the qualified registered electors residing within the territory proposed to be annexed, and if the board of fire commissioners concur, an election in the territory and a hearing on the petition shall be dispensed with and the county legislative authority shall enter its order incorporating the territory into the existing fire protection district.

Sec. 2. RCW 52.06.090 and 2014 c 25 s 1 are each amended to read as follows:

A part of one district may be transferred and merged with ((~~an adjacent district~~)) a district located within reasonable proximity if the area can be better served by the merged district. To effect such a merger, a petition, signed by a majority of the commissioners of the merging district or signed by not less than fifteen percent of the qualified electors residing in the area to be merged, shall be filed with the commissioners of the merging district, if signed by electors, or with the commissioners of the merger district if signed by commissioners of the merging district. If the commissioners of the merging district approve the petition, the petition shall be presented to the commissioners of the merger district. If the commissioners of the merger district approve the petition, an election shall be called in the area to be merged.

In the event that either board of fire district commissioners does not approve the petition, the partial merger must not proceed.

A majority of the votes cast is necessary to approve the transfer.

Sec. 3. RCW 52.26.030 and 2017 c 196 s 8 are each amended to read as follows:

Regional fire protection service authority planning committees are advisory entities that are created, convened, and empowered as follows:

(1) Any two or more ((~~adjacent~~)) fire protection jurisdictions located within reasonable proximity may create a regional fire protection service authority and convene a regional fire protection service authority planning committee. No fire protection jurisdiction may participate in more than one created authority.

(2) Each governing body of the fire protection jurisdictions participating in planning under this chapter shall appoint three elected officials to the authority planning committee. Members of the planning committee may receive compensation of seventy dollars per day, or portion thereof, not to exceed seven hundred dollars per year, for attendance at planning committee meetings and for performance of other services in behalf of the authority, and may be reimbursed for travel and incidental expenses at the discretion of their respective governing body.

(3) A regional fire protection service authority planning committee may receive state funding, as appropriated by the legislature, or county funding provided by the affected counties for start-up funding to pay for salaries, expenses, overhead, supplies, and similar expenses ordinarily and necessarily incurred. Upon creation of a regional fire protection service authority, the authority shall within one year reimburse the state or county for any sums advanced for these start-up costs from the state or county.

(4) The planning committee shall conduct its affairs and formulate a regional fire protection service authority plan as provided under RCW 52.26.040.

(5) At its first meeting, a regional fire protection service authority planning committee may elect officers and provide for the adoption of rules and other operating procedures.

(6) The planning committee may dissolve itself at any time by a majority vote of the total membership of the planning committee. Any participating fire protection jurisdiction may withdraw upon thirty calendar days' written notice to the other jurisdictions.

Sec. 4. RCW 52.04.031 and 1999 c 105 s 2 are each amended to read as follows:

A petition for annexation of an area ((~~adjacent~~)) located within reasonable proximity to a fire district shall be in writing, addressed to and filed with the board of fire commissioners of the district to which annexation is desired. Such territory may be located in a county or counties other than the county or counties within which the fire protection district is located. It must be signed by the owners, according to the records of the county auditor or auditors, of not less than sixty percent of the area of land included in the annexation petition, shall set forth a legal description of the property and shall be accompanied by a plat which outlines the boundaries of the property to be annexed. The petition shall state the financial obligation, if any, to be assumed by the area to be annexed.

For the purposes of this section, "reasonable proximity" has the same meaning as in RCW 52.26.020.

Sec. 5. RCW 52.26.020 and 2017 c 196 s 7 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional fire protection service authority.

(2) "Elected official" means an elected official of a participating fire protection jurisdiction or a regional fire protection district commissioner created under RCW 52.26.080.

(3) "Fire protection jurisdiction" means a fire district, regional fire protection service authority, city, town, port district, municipal airport, or Indian tribe.

(4) "Participating fire protection jurisdiction" means a fire protection jurisdiction participating in the formation or operation of a regional fire protection service authority.

(5) "Reasonable proximity" means geographical areas near enough to each other so that governance, management, and services can be delivered effectively.

(6) "Regional fire protection service authority" or "authority" means a municipal corporation, an independent taxing authority within the meaning of Article VII, section 1 of the state Constitution, and a taxing district within the meaning of Article VII, section 2 of the state Constitution, whose boundaries are coextensive with two or more ((~~adjacent~~)) fire protection jurisdictions located within reasonable proximity and that has been created by a vote of the people under this chapter to implement a regional fire protection service authority plan.

(((~~(6)~~))) (7) "Regional fire protection service authority plan" or "plan" means a plan to develop and finance a regional fire protection service authority project or projects including, but not limited to, specific capital projects, fire operations

and emergency service operations pursuant to RCW 52.26.040(3)(b), and preservation and maintenance of existing or future facilities.

(((~~(7)~~))) (8) "Regional fire protection service authority planning committee" or "planning committee" means the advisory committee created under RCW 52.26.030 to create and propose to fire protection jurisdictions a regional fire protection service authority plan to design, finance, and develop fire protection and emergency service projects.

(((~~(8)~~))) (9) "Regular property taxes" has the same meaning as in RCW 84.04.140.

Sec. 6. RCW 52.26.060 and 2006 c 200 s 4 are each amended to read as follows:

The governing bodies of two or more ((~~adjacent~~)) fire protection jurisdictions located within reasonable proximity, upon receipt of the regional fire protection service authority plan under RCW 52.26.040, may certify the plan to the ballot, including identification of the revenue options specified to fund the plan. The governing bodies of the fire protection jurisdictions may draft a ballot title, give notice as required by law for ballot measures, and perform other duties as required to put the plan before the voters of the proposed authority for their approval or rejection as a single ballot measure that both approves formation of the authority and approves the plan. Authorities may negotiate interlocal agreements necessary to implement the plan. The electorate is the voters voting within the boundaries of the proposed regional fire protection service authority. A simple majority of the total persons voting on the single ballot measure to approve the plan and establish the authority is required for approval. However, if the plan authorizes the authority to impose benefit charges or sixty percent voter approved taxes, then the percentage of total persons voting on the single ballot measure to approve the plan and establish the authority is the same as in RCW 52.26.050. The authority must act in accordance with the general election laws of the state. The authority is liable for its proportionate share of the costs when the elections are held under RCW 29A.04.321 and 29A.04.330.

Sec. 7. RCW 52.26.300 and 2011 c 271 s 2 are each amended to read as follows:

(1) A fire protection jurisdiction that is ((~~adjacent~~)) located within reasonable proximity to the boundary of a regional fire protection service authority is eligible for annexation by the authority.

(2) An annexation is initiated by the adoption of a resolution by the governing body of a fire protection jurisdiction requesting the annexation. The resolution requesting annexation must then be filed with the governing board of the authority that is requested to annex the fire protection jurisdiction.

(3) Except as otherwise provided in the regional fire protection service authority plan, on receipt of the resolution requesting annexation, the governing board of the authority may adopt a resolution amending its plan to establish terms and conditions of the requested annexation and submit the resolution and plan amendment to the fire protection jurisdiction requesting annexation. An election to authorize the annexation may be held only if the governing body of the fire protection jurisdiction seeking annexation adopts a resolution approving both the annexation and the related plan amendment.

(4)(a) An annexation is authorized if the voters in the fire protection jurisdiction proposed to be annexed approve by a simple majority vote a single ballot measure approving the annexation and related plan amendment.

(b) An annexation is effective on the date specified in the ballot measure. In the event the ballot measure does not specify an effective date, the effective date is on the subsequent January 1st or July 1st, whichever occurs first.

Passed by the House February 8, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 29

[Engrossed Senate Bill 5450]

MASS TIMBER PRODUCTS--BUILDING CONSTRUCTION

AN ACT Relating to use of mass timber for building construction; and adding a new section to chapter 19.27 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 19.27 RCW to read as follows:

(1) As used in this section, "mass timber products" means a type of building component or system that uses large panelized wood construction, including:

(a) Cross-laminated timber;
(b) Nail laminated timber;
(c) Glue laminated timber;
(d) Laminated strand timber;
(e) Dowel laminated timber;
(f) Laminated veneer lumber;
(g) Structural composite lumber; and
(h) Wood concrete composites.

(2) The building code council shall adopt rules for the use of mass timber products for residential and commercial building construction. Rules adopted for the use of mass timber products by the state building code council must consider applicable national and international standards.

Passed by the Senate February 12, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 30

[Senate Bill 6059]

INSURER CORPORATE GOVERNANCE ANNUAL DISCLOSURE MODEL ACT

AN ACT Relating to the insurer corporate governance annual disclosure model act; reenacting and amending RCW 42.56.400; adding a new chapter to Title 48 RCW; creating a new section; prescribing penalties; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) The purpose of this chapter is to:

(a) Provide the insurance commissioner a summary of an insurer or insurance group's corporate governance structure, policies, and practices to permit the commissioner to gain and maintain an understanding of the insurer's corporate governance framework;

(b) Outline the requirements for completing a corporate governance annual disclosure with the commissioner; and

(c) Provide for the confidential treatment of the corporate governance annual disclosure and related information that will contain confidential and sensitive information related to an insurer or insurance group's internal operations and proprietary and trade secret information which, if made public, could potentially cause the insurer or insurance group competitive harm or disadvantage.

(2) This chapter does not prescribe or impose corporate governance standards and internal procedures beyond that which is required under applicable corporate law. This chapter does not limit the commissioner's authority, or the rights or obligations of third parties, under chapter 48.03 RCW.

(3) This chapter applies to all insurers domiciled in this state.

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

(1) "Commissioner" means the insurance commissioner of this state.

(2) "Corporate governance annual disclosure" means a confidential report filed by the insurer or insurance group under this chapter.

(3) "Insurance group" means those insurers and affiliates included within an insurance holding company system as defined in RCW 48.31B.005.

(4) "Insurer" has the same meaning as set forth in RCW 48.31B.005.

(5) "ORSA summary report" means the report filed under chapter 48.05A RCW.

NEW SECTION. **Sec. 3.** (1) An insurer, or the insurance group of which the insurer is a member, must, no later than June 1st of each calendar year, submit to the commissioner a corporate governance annual disclosure that contains the information described in section 4(2) of this act. If the insurer is a member of an insurance group, the insurer must submit the report required by this section to the commissioner of the lead state for the insurance group, under the laws of the lead state, as determined by the procedures outlined in the most recent financial analysis handbook adopted by the national association of insurance commissioners.

(2) The corporate governance annual disclosure must include a signature of the insurer or insurance group's chief executive officer or corporate secretary attesting to the best of the individual's belief and knowledge that the insurer has implemented the corporate governance practices and that a copy of the disclosure has been provided to the insurer's board of directors or the appropriate committee thereof.

(3) An insurer not required to submit a corporate governance annual disclosure under this section must do so upon the commissioner's request.

(4) For purposes of completing the corporate governance annual disclosure, the insurer or insurance group may provide information regarding corporate governance at either (a) the ultimate controlling parent level, (b) an intermediate

holding company level, or (c) the individual legal entity level, or any combination of (a) through (c) of this subsection, depending upon how the insurer or insurance group has structured its system of corporate governance. The insurer or insurance group is encouraged to make the corporate governance annual disclosure at the level at which the insurer's or insurance group's risk appetite is determined, or at which the earnings, capital, liquidity, operations, and reputation of the insurer are overseen collectively and at which the supervision of those factors are coordinated and exercised, or the level at which legal liability for failure of general corporate governance duties would be placed. If the insurer or insurance group determines the level of reporting based on these criteria, it must indicate which of the three criteria was used to determine the level of reporting and explain any subsequent changes in the level of reporting.

(5) The review of the corporate governance annual disclosure and any additional requests for information shall be made through the lead state as determined by the procedure within the most recent financial analysis handbook referenced in subsection (1) of this section.

(6) Insurers providing information substantially similar to the information required by this chapter in other documents provided to the commissioner, including proxy statements filed in conjunction with form B requirements, or other state or federal filings provided to the commissioner are not required to duplicate that information in the corporate governance annual disclosure, but are only required to cross-reference the document in which the information is included.

NEW SECTION. **Sec. 4.** (1) The insurer or insurance group has discretion over the responses to the corporate governance annual disclosure inquiries, provided the corporate governance annual disclosure contains the material information necessary to permit the commissioner to gain an understanding of the insurer's or insurance group's corporate governance structure, policies, and practices. The commissioner may request additional information that he or she deems material and necessary to provide the commissioner with a clear understanding of the corporate governance policies, the reporting or information system, or controls implementing those policies.

(2) The corporate governance annual disclosure must be prepared consistent with the national association of insurance commissioners' corporate governance annual disclosure model rule which may be adopted by the commissioner. Documentation and supporting information must be maintained and made available upon examination or upon request of the commissioner.

NEW SECTION. **Sec. 5.** (1) Documents, materials, or other information including the corporate governance annual disclosure, in the possession or control of the commissioner that are obtained by, created by, or disclosed to the commissioner or any other person under this chapter, are recognized by this state as being proprietary and to contain trade secrets. All the documents, materials, or other information is confidential by law and privileged, is not subject to chapter 42.56 RCW, are not subject to subpoena, and are not subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner shall not otherwise make the

documents, materials, or other information public without the prior written consent of the insurer. This section does not require written consent of the insurer before the commissioner shares or receives confidential documents, materials, or other corporate governance annual disclosure related information under subsection (3) of this section to assist in the performance of the commissioner's regular duties.

(2) Neither the commissioner nor any person who received documents, materials, or other corporate governance annual disclosure related information, through examination or otherwise, while acting under the authority of the commissioner, or with whom the documents, materials, or other information are shared under this chapter are permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection (1) of this section.

(3) In order to assist in the performance of the commissioner's regulatory duties, the commissioner:

(a) May, upon request, share documents, materials, or other corporate governance annual disclosure related information including confidential and privileged documents, materials, or information subject to subsection (1) of this section, including proprietary and trade secret documents and materials with other state, federal, and international financial regulatory agencies, including members of any supervisory college as defined in RCW 48.31B.037, with the national association of insurance commissioners, and with third-party consultants under section 6 of this act, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the corporate governance annual disclosure related documents, materials, or other information and has verified in writing the legal authority to maintain confidentiality; and

(b) May receive documents, materials, and other corporate governance annual disclosure related information, including otherwise confidential and privileged documents, materials, or information, including proprietary and trade secret information or documents, from regulatory officials of other state, federal, and international financial regulatory agencies, including members of any supervisory college as defined in RCW 48.31B.037, and from the national association of insurance commissioners, and shall maintain as confidential or privileged any documents, materials, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the documents, materials, or information.

(4) The sharing of information and documents by the commissioner under this chapter does not constitute a delegation of regulatory authority or rule making, and the commissioner is solely responsible for the administration, execution, and enforcement of this chapter.

(5) A waiver of any applicable privilege or claim of confidentiality in the documents, proprietary and trade secret materials, or other corporate governance annual disclosure related information does not occur as a result of disclosure of the corporate governance annual disclosure related information or documents to the commissioner under this section or as a result of sharing as authorized in this chapter.

NEW SECTION. **Sec. 6.** (1) The commissioner may retain at the insurer's expense, third-party consultants, including attorneys, actuaries, accountants, and other experts not otherwise part of the commissioner's staff as may be reasonably

necessary to assist the commissioner in reviewing the corporate governance annual disclosure and related information or the insurer's compliance with this chapter.

(2) Any persons retained under subsection (1) of this section is under the direction and control of the commissioner and is acting in a purely advisory capacity.

(3) The national association of insurance commissioners and third-party consultants are subject to the same confidentiality standards and requirements as the commissioner.

(4) As part of the retention process, a third-party consultant must verify to the commissioner, with notice to the insurer, that it is free of a conflict of interest and that it has internal procedures in place to monitor compliance with a conflict and to comply with the confidentiality standards and requirements of this chapter.

(5) A written agreement with either the national association of insurance commissioners or a third-party consultant, or both, governing the sharing and use of information provided under this chapter must contain the following provisions and expressly require the written consent of the insurer prior to making public information provided under this chapter:

(a) Specific procedures and protocols for maintaining the confidentiality and security of corporate governance annual disclosure related information shared with the national association of insurance commissioner or a third-party consultant under this chapter;

(b) Procedures and protocols for sharing by the national association of insurance commissioners only with other state regulators from states in which the insurance group has domiciled insurers. The agreement must provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the corporate governance annual disclosure related documents, materials, or other information and has verified in writing the legal authority to maintain confidentiality;

(c) A provision specifying that ownership of the corporate governance annual disclosure related information shared with the national association of insurance commissioners or a third-party consultant remains with the commissioner and the national association of insurance commissioners or third-party consultant's use of the information is subject to the direction of the commissioner;

(d) A provision that prohibits the national association of insurance commissioners or a third-party consultant from storing the information shared under this chapter in a permanent database after the underlying analysis is completed;

(e) A provision requiring the national association of insurance commissioners or a third-party consultant to provide prompt notice to the commissioner and to the insurer or insurance group regarding any subpoena, request for disclosure, or request for production of the insurer's corporate governance annual disclosure related information; and

(f) A requirement that the national association of insurance commissioners or a third-party consultant consent to intervention by an insurer in any judicial or administrative action in which the national association of insurance commissioners or a third-party consultant may be required to disclose

confidential information about the insurer shared with the national association of insurance commissioners or third-party consultant under this chapter.

NEW SECTION. **Sec. 7.** Any insurer failing, without just cause, to timely file the corporate governance annual disclosure as required by this chapter is required, after notice and hearing under chapters 48.04 and 34.05 RCW, to pay a penalty of five hundred dollars for each day's delay, to be recovered by the commissioner and the penalty must be paid to the general fund of this state. The maximum penalty under this section is one hundred thousand dollars. The commissioner may reduce the penalty if the insurer demonstrates to the commissioner that the imposition of the penalty would constitute a financial hardship to the insurer.

NEW SECTION. **Sec. 8.** The commissioner may, under chapter 34.05 RCW, adopt rules to implement and administer this chapter, including the national association of insurance commissioners' corporate governance annual disclosure model rule.

Sec. 9. RCW 42.56.400 and 2017 3rd sp.s. c 30 s 2 and 2017 c 193 s 2 are each reenacted and amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30A.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, and 48.31B.035, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents((~~, other than those described in RCW 48.02.210(2),~~)) that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 ((~~and 48.02.210~~));

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017;

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5);

(24) Documents, materials, or information obtained by the insurance commissioner under chapter 48.05A RCW;

(25) Documents, materials, or information obtained by the insurance commissioner under RCW 48.74.025, 48.74.028, 48.74.100(6), 48.74.110(2) (b) and (c), and 48.74.120 to the extent such documents, materials, or information independently qualify for exemption from disclosure as documents, materials, or information in possession of the commissioner pursuant to a financial conduct examination and exempt from disclosure under RCW 48.02.065; ((~~and~~))

(26) Nonpublic personal health information obtained by, disclosed to, or in the custody of the insurance commissioner, as provided in RCW 48.02.068; ((~~and~~))

(27) Data, information, and documents obtained by the insurance commissioner under RCW 48.02.230; and

(28) Documents, materials, or other information, including the corporate annual disclosure obtained by the insurance commissioner under section 3 of this act.

NEW SECTION. **Sec. 10.** If any provision of this chapter other than section 6 of this act, or its application to any person or circumstances is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances in not affected.

NEW SECTION. **Sec. 11.** (1) The first filing of the corporate governance annual disclosure is 2019.

(2) This act takes effect January 1, 2019.

NEW SECTION. **Sec. 12.** Sections 1 through 8 of this act constitute a new chapter in Title 48 RCW.

Passed by the Senate January 25, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 31

[Senate Bill 6115]

TRIBAL YOUTH--RESIDENTIAL CUSTODY SERVICES

AN ACT Relating to residential custody services for tribal youth; and adding a new section to chapter 72.05 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 72.05 RCW to read as follows:

(1) The department may provide residential custody services in a state juvenile rehabilitation facility to youth adjudicated and sentenced by a court of any federally recognized Indian tribe located within the state of Washington, pursuant to a contract between the department and the tribe that is entered into in compliance with the interlocal cooperation act, chapter 39.34 RCW.

(2) As used in this section:

(a) "Residential custody services" means a comprehensive program established pursuant to RCW 72.05.130 for the custody, care, education, treatment, instruction, guidance, control, and rehabilitation of youth committed to a state juvenile rehabilitation facility.

(b) "State juvenile rehabilitation facility" means an institution as defined in RCW 13.40.020(13), a community facility as defined in RCW 72.05.020(1), or other juvenile rehabilitation facility operated by the department.

Passed by the Senate February 7, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 32

[Senate Bill 6145]

CIVIL SERVICE APPLICANTS--QUALIFICATIONS

AN ACT Relating to civil service qualifications; amending RCW 41.08.070, 41.12.070, 41.14.100, 43.101.080, and 43.101.095; and adding a new section to chapter 41.04 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 41.08.070 and 1972 ex.s. c 37 s 2 are each amended to read as follows:

An applicant for a position of any kind under civil service under the provisions of this chapter, must be a citizen of the United States of America or a lawful permanent resident who can read and write the English language.

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

Sec. 2. RCW 41.12.070 and 1972 ex.s. c 37 s 3 are each amended to read as follows:

An applicant for a position of any kind under civil service under the provisions of this chapter, must be a citizen of the United States of America or a lawful permanent resident who can read and write the English language.

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

An application for a position with a law enforcement agency may be rejected if the law enforcement agency deems that it does not have the resources to conduct the background investigation required pursuant to chapter 43.101 RCW. Resources means materials, funding, and staff time. Nothing in this section impairs an applicant's rights under state antidiscrimination laws.

Sec. 3. RCW 41.14.100 and 1963 c 95 s 3 are each amended to read as follows:

An applicant for a position of any kind under civil service under the provisions of this chapter, must be a citizen of the United States or a lawful permanent resident who can read and write the English language.

An application for a position with a law enforcement agency may be rejected if the law enforcement agency deems that it does not have the resources to conduct the background investigation required pursuant to chapter 43.101 RCW. Resources means materials, funding, and staff time. Nothing in this section impairs an applicant's rights under state antidiscrimination laws.

Sec. 4. RCW 43.101.080 and 2015 c 225 s 90 are each amended to read as follows:

The commission shall have all of the following powers:

(1) To meet at such times and places as it may deem proper;

(2) To adopt any rules and regulations as it may deem necessary;

(3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;

(4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;

(5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;

(6) To select and employ an executive director, and to empower him or her to perform such duties and responsibilities as it may deem necessary;

(7) To assume legal, fiscal, and program responsibility for all training conducted by the commission;

(8) To establish, by rule and regulation, standards for the training of criminal justice personnel where such standards are not prescribed by statute;

(9) To own, establish, and operate, or to contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel and to purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities necessary to the conducting of such programs;

(10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;

(11) To review and approve or reject standards for instructors of training programs for criminal justice personnel, and to employ personnel on a temporary basis as instructors without any loss of employee benefits to those instructors;

(12) To direct the development of alternative, ((~~innovate [innovative]~~)) innovative, and interdisciplinary training techniques;

(13) To review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards recommended by the training standards and education boards;

(14) To allocate financial resources among training and education programs conducted by the commission;

(15) To allocate training facility space among training and education programs conducted by the commission;

(16) To issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

(17) To provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;

(18) To establish rules and regulations recommended by the training standards and education boards prescribing minimum standards relating to physical, mental and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision;

(19) To require county, city, or state law enforcement agencies that make a conditional offer of employment to an applicant as a fully commissioned peace officer or a reserve officer to administer a background investigation including a check of criminal history, verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident, a psychological examination, and a polygraph test or similar assessment to each applicant, the results of which shall be used by the employer to determine the applicant's suitability for employment as a fully commissioned peace officer or a reserve officer. The background investigation, psychological examination, and the polygraph examination shall be administered in accordance with the requirements of RCW 43.101.095(2). The employing county, city, or state law enforcement agency may require that each peace officer or reserve officer who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or four hundred dollars, whichever is less. County, city, and state law enforcement agencies may establish a payment plan if they determine that the peace officer or reserve officer does not readily have the means to pay for his or her portion of the testing fee;

(20) To promote positive relationships between law enforcement and the citizens of the state of Washington by allowing commissioners and staff to participate in the "chief for a day program." The executive director shall designate staff who may participate. In furtherance of this purpose, the commission may accept grants of funds and gifts and may use its public facilities for such purpose. At all times, the participation of commissioners and staff shall comply with chapter 42.52 RCW and chapter 292-110 WAC.

All rules and regulations adopted by the commission shall be adopted and administered pursuant to the administrative procedure act, chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

Sec. 5. RCW 43.101.095 and 2011 c 234 s 2 are each amended to read as follows:

(1) As a condition of continuing employment as peace officers, all Washington peace officers: (a) Shall timely obtain certification as peace officers, or timely obtain certification or exemption therefrom, by meeting all requirements of RCW 43.101.200, as that section is administered under the rules of the commission, as well by meeting any additional requirements under this chapter; and (b) shall maintain the basic certification as peace officers under this chapter.

(2)(a) As a condition of continuing employment for any applicant who has been offered a conditional offer of employment as a fully commissioned peace officer or a reserve officer after July 24, 2005, including any person whose certification has lapsed as a result of a break of more than twenty-four consecutive months in the officer's service as a fully commissioned peace officer or reserve officer, the applicant shall submit to a background investigation including a check of criminal history, verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident, a psychological examination, and a polygraph or similar assessment as administered by the county, city, or state law enforcement agency, the results of which shall be used to determine the applicant's suitability for employment as a fully commissioned peace officer or a reserve officer.

(i) The background investigation including a check of criminal history shall be administered by the county, city, or state law enforcement agency that made the conditional offer of employment in compliance with standards established in the rules of the commission.

(ii) The psychological examination shall be administered by a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW, in compliance with standards established in rules of the commission.

(iii) The polygraph test shall be administered by an experienced polygrapher who is a graduate of a polygraph school accredited by the American polygraph association and in compliance with standards established in rules of the commission.

(iv) Any other test or assessment to be administered as part of the background investigation shall be administered in compliance with standards established in rules of the commission.

(b) The employing county, city, or state law enforcement agency may require that each peace officer or reserve officer who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or four hundred dollars, whichever is less. County, city, and state law enforcement agencies may establish a payment plan if they determine that the peace officer or reserve officer does not readily have the means to pay for his or her portion of the testing fee.

(3) The commission shall certify peace officers who have satisfied, or have been exempted by statute or by rule from, the basic training requirements of RCW 43.101.200 on or before January 1, 2002. Thereafter, the commission may revoke certification pursuant to this chapter.

(4) The commission shall allow a peace officer to retain status as a certified peace officer as long as the officer: (a) Timely meets the basic law enforcement training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (b) meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification revoked by the commission.

(5) As a prerequisite to certification, as well as a prerequisite to pursuit of a hearing under RCW 43.101.155, a peace officer must, on a form devised or adopted by the commission, authorize the release to the commission of his or her personnel files, termination papers, criminal investigation files, or other files, papers, or information that are directly related to a certification matter or decertification matter before the commission.

(6) The commission is authorized to receive criminal history record information that includes nonconviction data for any purpose associated with employment by the commission or peace officer certification under this chapter. Dissemination or use of nonconviction data for purposes other than that authorized in this section is prohibited.

(7) For a national criminal history records check, the commission shall require fingerprints be submitted and searched through the Washington state patrol identification and criminal history section. The Washington state patrol shall forward the fingerprints to the federal bureau of investigation.

NEW SECTION. **Sec. 6.** A new section is added to chapter 41.04 RCW to read as follows:

"Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20), as of the effective date of this section.

Passed by the Senate February 7, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 33

[Senate Bill 6180]

PLANTING AND HARVEST DATES--AGRICULTURAL TRANSPORTER EXEMPTIONS

AN ACT Relating to defining the planting and harvest dates for purposes of exemptions for agricultural transporters; and adding a new section to chapter 46.32 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 46.32 RCW to read as follows:

For purposes of 49 C.F.R. Sec. 395.2 (2018) and 49 C.F.R. Sec. 395.1 (2018), relating to the exemption for agricultural transporters, the planting and harvesting seasons are January 1st through December 31st of each year.

Passed by the Senate February 10, 2018.
Passed by the House February 28, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 34

[Substitute Senate Bill 6222]

EXTENDED FOSTER CARE--ELIGIBILITY--AGE

AN ACT Relating to expansion of extended foster care eligibility; amending RCW 13.34.267, 13.34.268, 74.13.020, and 74.13.336; reenacting and amending RCW 74.13.031; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 13.34.267 and 2015 c 240 s 1 are each amended to read as follows:

(1) In order to facilitate the delivery of extended foster care services, the court, upon the agreement of the youth to participate in the extended foster care program, shall maintain the dependency proceeding for any youth who is dependent ((~~in foster care~~)) at the age of eighteen years and who, at the time of his or her eighteenth birthday, is:

(a) Enrolled in a secondary education program or a secondary education equivalency program;

(b) Enrolled and participating in a postsecondary academic or postsecondary vocational program, or has applied for and can demonstrate that

he or she intends to timely enroll in a postsecondary academic or postsecondary vocational program;

(c) Participating in a program or activity designed to promote employment or remove barriers to employment;

(d) Engaged in employment for eighty hours or more per month; or

(e) Not able to engage in any of the activities described in (a) through (d) of this subsection due to a documented medical condition.

(2) If the court maintains the dependency proceeding of a youth pursuant to subsection (1) of this section, the youth is eligible to receive extended foster care services pursuant to RCW 74.13.031, subject to the youth's continuing eligibility and agreement to participate.

(3) A dependent youth receiving extended foster care services is a party to the dependency proceeding. The youth's parent or guardian must be dismissed from the dependency proceeding when the youth reaches the age of eighteen.

(4) The court shall dismiss the dependency proceeding for any youth who is a dependent ((~~in foster care~~)) and who, at the age of eighteen years, does not meet any of the criteria described in subsection (1)(a) through (e) of this section or does not agree to participate in the program.

(5) The court shall order a youth participating in extended foster care services to be under the placement and care authority of the department, subject to the youth's continuing agreement to participate in extended foster care services. The department may establish foster care rates appropriate to the needs of the youth participating in extended foster care services. The department's placement and care authority over a youth receiving extended foster care services is solely for the purpose of providing services and does not create a legal responsibility for the actions of the youth receiving extended foster care services.

(6) The court shall appoint counsel to represent a youth, as defined in RCW 13.34.030(2)(b), in dependency proceedings under this section.

(7) The case plan for and delivery of services to a youth receiving extended foster care services is subject to the review requirements set forth in RCW 13.34.138 and 13.34.145, and should be applied in a developmentally appropriate manner, as they relate to youth age eighteen to twenty-one years. Additionally, the court shall consider:

(a) Whether the youth is safe in his or her placement;

(b) Whether the youth continues to be eligible for extended foster care services;

(c) Whether the current placement is developmentally appropriate for the youth;

(d) The youth's development of independent living skills; and

(e) The youth's overall progress toward transitioning to full independence and the projected date for achieving such transition.

(8) Prior to the review hearing, the youth's attorney shall indicate whether there are any contested issues and may provide additional information necessary for the court's review.

Sec. 2. RCW 13.34.268 and 2013 c 332 s 6 are each amended to read as follows:

(1)(a) If a youth prior to reaching age ((~~nineteen~~)) twenty-one years requests extended foster care services from the department pursuant to RCW 74.13.336,

and the department declines to enter into a voluntary placement agreement with the youth, the department must provide written documentation to the youth which contains:

(i) The date that the youth requested extended foster care services;

(ii) The department's reasons for declining to enter into a voluntary placement agreement with the youth and the date of the department's decision; and

(iii) Information regarding the youth's right to ask the court to establish a dependency for the purpose of providing extended foster care services and his or her right to counsel to assist in making that request.

(b) The written documentation pursuant to (a) of this subsection must be provided to the youth within ten days of the department's decision not to enter into a voluntary placement agreement with the youth.

(2)(a) A youth seeking to participate in extended foster care after being declined by the department under subsection (1) of this section may file a notice of intent to file a petition for dependency, asking the court to determine his or her eligibility for extended foster care services, and to enter an order of dependency. If the youth chooses to file such notice, it must be filed within thirty days of the date of the department's decision.

(b) Upon filing the notice, the youth must be provided counsel at no cost to him or her. Upon receipt of the youth's petition, the court must set a hearing date to determine whether the petition should be granted.

Sec. 3. RCW 74.13.020 and 2017 3rd sp.s. c 6 s 401 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of children, youth, and families.

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to ((~~foster~~)) dependent children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(9) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

(10) "Medical condition" means, for the purposes of qualifying for extended foster care services, a physical or mental health condition as documented by any licensed health care provider regulated by a disciplining authority under RCW 18.130.040.

(11) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(12) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(13) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(14) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(15) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(16) "Secretary" means the secretary of the department.

(17) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

(18) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

(19) "Unsupervised" has the same meaning as in RCW 43.43.830.

(20) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 4. RCW 74.13.336 and 2013 c 332 s 5 are each amended to read as follows:

(1) A youth who has reached age eighteen years may request extended foster care services authorized under RCW 74.13.031 at any time before he or she reaches the age of ((~~nineteen~~)) twenty-one years if ((~~on or after July 28, 2013~~)):

(a) The dependency proceeding of the youth was dismissed pursuant to RCW 13.34.267(4) at the time that he or she reached age eighteen years; or

(b) The court, after holding the dependency case open pursuant to RCW 13.34.267(1), has dismissed the case because the youth became ineligible for extended foster care services.

(2)(a) Upon a request for extended foster care services by a youth pursuant to subsection (1) of this section, a determination that the youth is eligible for extended foster care services, and the completion of a voluntary placement agreement, the department shall provide extended foster care services to the youth.

(b) In order to continue receiving extended foster care services after entering into a voluntary placement agreement with the department, the youth must agree to the entry of an order of dependency within one hundred eighty days of the date that the youth is placed in extended foster care pursuant to a voluntary placement agreement.

(3) A youth may enter into a voluntary placement agreement for extended foster care services ((~~only once~~)). A youth may transition among the eligibility categories identified in RCW 74.13.031 while under the same voluntary placement agreement, provided that the youth remains eligible for extended foster care services during the transition.

(4) "Voluntary placement agreement," for the purposes of this section, means a written voluntary agreement between a nonminor dependent who agrees

to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 5. RCW 74.13.031 and 2017 3rd sp.s. c 20 s 7 and 2017 c 265 s 2 are each reenacted and amended to read as follows:

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) As provided in RCW 26.44.030(11), the department may respond to a report of child abuse or neglect by using the family assessment response.

(5) The department or supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(6) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department and the supervising agencies shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department and supervising agencies are encouraged to group monthly visits to caregivers by geographic area so that in

the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department or supervising agencies shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(7) The department and supervising agencies shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(8) The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(9) The department and supervising agency shall have authority to purchase care for children.

(10) The department shall establish a children's services advisory committee with sufficient members representing supervising agencies which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(11)(a) The department and supervising agencies shall provide continued extended foster care services to nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program;

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program;

(iii) Participating in a program or activity designed to promote employment or remove barriers to employment;

(iv) Engaged in employment for eighty hours or more per month; or

(v) Not able to engage in any of the activities described in (a)(i) through (iv) of this subsection due to a documented medical condition.

(b) To be eligible for extended foster care services, the nonminor dependent must have been dependent ((~~and in foster care~~)) at the time that he or she reached age eighteen years. If the dependency case of the nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she may receive extended foster care services pursuant to a voluntary placement agreement under RCW 74.13.336 or pursuant to an order of dependency issued by the court under RCW 13.34.268. A nonminor dependent whose dependency case was dismissed by the court ((~~must have requested~~)) may request extended foster care services before reaching age ((~~nineteen~~)) twenty-one years. Eligible nonminor dependents may unenroll and reenroll in extended foster care through a voluntary placement agreement ((~~once~~)) an unlimited number of times between ages eighteen and twenty-one.

(c) The department shall develop and implement rules regarding youth eligibility requirements.

(d) The department shall make efforts to ensure that extended foster care services maximize medicaid reimbursements. This must include the department ensuring that health and mental health extended foster care providers participate in medicaid, unless the condition of the extended foster care youth requires specialty care that is not available among participating medicaid providers or there are no participating medicaid providers in the area. The department shall coordinate other services to maximize federal resources and the most cost-efficient delivery of services to extended foster care youth.

(e) The department shall allow a youth who has received extended foster care services, but lost his or her eligibility, to reenter the extended foster care program ((~~once~~)) an unlimited number of times through a voluntary placement agreement when he or she meets the eligibility criteria again.

(12) The department shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (11) of this section.

(13) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(14) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order. The purchase of such care is exempt from the requirements of chapter 74.13B RCW and may be purchased from the federally recognized Indian tribe or tribally licensed child-placing agency, and shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section all services to be provided by the department under subsections (4), (7), and (8) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(15) Within amounts appropriated for this specific purpose, the supervising agency or department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(16) The department and supervising agencies shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(17) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(18)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

(19) The department shall have the authority to purchase legal representation for parents of children who are at risk of being dependent, or who are dependent, to establish or modify a parenting plan under chapter 26.09 or 26.26 RCW, when it is necessary for the child's safety, permanence, or well-being. This subsection does not create an entitlement to legal representation purchased by the department and does not create judicial authority to order the department to purchase legal representation for a parent. Such determinations are solely within the department's discretion.

NEW SECTION. **Sec. 6.** This act takes effect July 1, 2018.

Passed by the Senate February 12, 2018.
Passed by the House February 28, 2018.
Approved by the Governor March 9, 2018.
Filed in Office of Secretary of State March 9, 2018.

CHAPTER 35

[Senate Bill 6311]

STATE WARRANTS, BONDS, AND OTHER INSTRUMENTS--LOSS OR DESTRUCTION

AN ACT Relating to lost or destroyed state warrants, bonds, and other instruments; amending RCW 43.08.068, 43.08.066, and 43.08.064; and adding a new section to chapter 43.08 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.08.068 and 2009 c 549 s 5038 are each amended to read as follows:

The state treasurer or other issuing officer shall keep a full and complete record of all warrants, bonds or other instruments alleged to have been lost or destroyed, which were issued by such agency, and of the issue of any duplicate therefor; and upon the issuance of any duplicate, the officer shall enter upon his or her books the cancellation of the original instrument and immediately notify the state treasurer, the state auditor, and all trustees and paying agents authorized to redeem such instruments on behalf of the state of Washington, of such cancellation. ((~~The treasurer shall keep a similar list of all warrants, bonds or other instruments so canceled.~~))

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.08 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cancel or cancellation" means to void.

(2) "Redeem or redemption" means to clear or pay.

Sec. 3. RCW 43.08.066 and 2009 c 549 s 5037 are each amended to read as follows:

Before a duplicate instrument is issued, the state treasurer or other issuing officer shall require the person making application for its issue to file in his or her office a written affidavit specifically alleging on oath that he or she is the proper owner, payee, or legal representative of such owner or payee of the original instrument, giving the date of issue, the number, amount, and for what services or claim or purpose the original instrument or series of instruments of which it is a part was issued, and that the same has been lost or destroyed, and has not been paid, or has not been received by him or her((~~: PROVIDED, That in the event that an original and its duplicate instrument are both presented for payment as a result of forgery or fraud, the issuing officer shall be the state agency responsible for endeavoring to recover any losses suffered by the state~~)).

Sec. 4. RCW 43.08.064 and 1979 ex.s. c 71 s 3 are each amended to read as follows:

In case of the loss or destruction of a state warrant for the payment of money, or any bond or other instrument or evidence of indebtedness, issued by any state officer, or agency, such officer, or such agency through its appropriate officer may issue or cause to be issued a duplicate in lieu thereof, ((~~bearing the same number, class, or designation~~)) in all respects and for the same amount as the original((~~, except that the word duplicate shall plainly appear upon the face of the new instrument in such a manner as to clearly identify it as a duplicate instrument~~)). The duplicate instrument so issued shall be subject in all other respects to the same provisions of law as the original instrument.

Passed by the Senate February 12, 2018.

Passed by the House February 27, 2018.

Approved by the Governor March 9, 2018.

Filed in Office of Secretary of State March 9, 2018.

CHAPTER 36

[Engrossed House Bill 1128]

CIVIL ARBITRATION

AN ACT Relating to civil arbitration; amending RCW 7.06.010, 7.06.020, 7.06.040, 7.06.050, and 36.18.016; adding new sections to chapter 7.06 RCW; creating a new section; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 7.06.010 and 2005 c 472 s 1 are each amended to read as follows:

In counties with a population of more than one hundred thousand, ((~~mandatory~~)) arbitration of civil actions under this chapter shall be required. In counties with a population of one hundred thousand or less, the superior court of the county, by majority vote of the judges thereof, or the county legislative authority may authorize ((~~mandatory~~)) arbitration of civil actions under this chapter.

Sec. 2. RCW 7.06.020 and 2005 c 472 s 2 are each amended to read as follows:

(1) All civil actions, except for appeals from municipal or district courts, which are at issue in the superior court in counties which have authorized arbitration, where the sole relief sought is a money judgment, and where no party asserts a claim in excess of fifteen thousand dollars, or if approved by the superior court of a county by two-thirds or greater vote of the judges thereof, up to ((~~fifty~~)) one-hundred thousand dollars, exclusive of interest and costs, are subject to ((~~mandatory~~)) civil arbitration.

(2) If approved by majority vote of the superior court judges of a county which has authorized arbitration, all civil actions which are at issue in the superior court in which the sole relief sought is the establishment, termination, or modification of maintenance or child support payments are subject to mandatory arbitration. The arbitrability of any such action shall not be affected by the amount or number of payments involved.

NEW SECTION. **Sec. 3.** A new section is added to chapter 7.06 RCW to read as follows:

The arbitrator shall set the time, date, and place of the hearing and shall give reasonable notice of the hearing date to the parties. Except by stipulation or for good cause shown, the hearing shall be scheduled to take place not sooner than twenty-one days, nor later than seventy-five days, from the date of the assignment of the case to the arbitrator. The hearing shall take place in appropriate facilities provided or authorized by the court.

NEW SECTION. **Sec. 4.** A new section is added to chapter 7.06 RCW to read as follows:

After the assignment of a case to the arbitrator, a party may conduct discovery as follows: (1) Request from the arbitrator an examination under CR 35; (2) request admissions from a party under CR 36; and (3) take the deposition of another party. A party may request additional discovery from the arbitrator, including interrogatories, and the arbitrator will allow additional discovery only as reasonably necessary.

Sec. 5. RCW 7.06.040 and 1987 c 212 s 102 are each amended to read as follows:

(1) The appointment of arbitrators shall be prescribed by rules adopted by the supreme court. An arbitrator must be a member of the state bar association who has been admitted to the bar for a minimum of five years or who is a retired judge.

(2)(a) A person may not serve as an arbitrator unless the person has completed a minimum of three credits of Washington state bar association approved continuing legal education credits on the professional and ethical consideration for serving as an arbitrator. A person serving as an arbitrator must file a declaration or affidavit stating or certifying to the appointing court that the person is in compliance with this section.

(b) The superior court judge or judges in any county may choose to waive the requirements of this subsection (2) for arbitrators who have acted as an arbitrator five or more times previously.

(3) The parties may stipulate to a nonlawyer arbitrator. The supreme court may prescribe by rule additional qualifications of arbitrators.

(4) Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the superior court.

Sec. 6. RCW 7.06.050 and 2011 c 336 s 164 are each amended to read as follows:

(1) Following a hearing as prescribed by court rule, the arbitrator shall file his or her decision and award with the clerk of the superior court, together with proof of service thereof on the parties. Within twenty days after such filing, any aggrieved party may file with the clerk a written notice of appeal and request for a trial de novo in the superior court on all issues of law and fact. The notice must be signed by the party. Such trial de novo shall thereupon be held, including a right to jury, if demanded.

(a) Up to thirty days prior to the actual date of a trial de novo, a nonappealing party may serve upon the appealing party a written offer of compromise.

(b) In any case in which an offer of compromise is not accepted by the appealing party within ten calendar days after service thereof, for purposes of MAR 7.3, the amount of the offer of compromise shall replace the amount of the arbitrator's award for determining whether the party appealing the arbitrator's award has failed to improve that party's position on the trial de novo.

(c) A postarbitration offer of compromise shall not be filed or communicated to the court or the trier of fact until after judgment on the trial de novo, at which time a copy of the offer of compromise shall be filed for purposes of determining whether the party who appealed the arbitrator's award has failed to improve that party's position on the trial de novo, pursuant to MAR 7.3.

(2) If no appeal has been filed at the expiration of twenty days following filing of the arbitrator's decision and award, a judgment shall be entered and may be presented to the court by any party, on notice, which judgment when entered shall have the same force and effect as judgments in civil actions.

Sec. 7. RCW 36.18.016 and 2016 c 74 s 4 are each amended to read as follows:

(1) Revenue collected under this section is not subject to division under RCW 36.18.025 or 27.24.070.

(2)(a) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, and any party filing a counterclaim, cross-claim, or third-party claim in any such action, a fee of thirty-six dollars must be paid.

(b) The party filing the first or initial petition for dissolution, legal separation, or declaration concerning the validity of marriage shall pay, at the time and in addition to the filing fee required under RCW 36.18.020, a fee of fifty-four dollars. The clerk of the superior court shall transmit monthly forty-eight dollars of the fifty-four dollar fee collected under this subsection to the state treasury for deposit in the domestic violence prevention account. The remaining six dollars shall be retained by the county for the purpose of supporting community-based domestic violence services within the county, except for five percent of the six dollars, which may be retained by the court for administrative purposes. On or before December 15th of each year, the county shall report to the department of social and health services revenues associated with this section and community-based domestic violence services expenditures. The department of social and health services shall develop a reporting form to be utilized by counties for uniform reporting purposes.

(3)(a) The party making a demand for a jury of six in a civil action shall pay, at the time, a fee of one hundred twenty-five dollars; if the demand is for a jury of twelve, a fee of two hundred fifty dollars. If, after the party demands a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional one hundred twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(b) Upon conviction in criminal cases a jury demand charge of one hundred twenty-five dollars for a jury of six, or two hundred fifty dollars for a jury of twelve may be imposed as costs under RCW 10.46.190.

(4) For preparing a certified copy of an instrument on file or of record in the clerk's office, for the first page or portion of the first page, a fee of five dollars, and for each additional page or portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of two dollars for each additional seal affixed must be charged. For preparing a copy of an instrument on file or of record in the clerk's office without a seal, a fee of fifty cents per page must be charged. When copying a document without a seal or file that is in an electronic format, a fee of twenty-five cents per page must be charged. For copies made on a compact disc, an additional fee of twenty dollars for each compact disc must be charged.

(5) For executing a certificate, with or without a seal, a fee of two dollars must be charged.

(6) For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

(7) For filing a supplemental proceeding, a fee of twenty dollars must be charged.

(8) For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

(9) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of five dollars.

(10) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

(11) For clerk's services such as performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed thirty dollars per hour.

(12) For processing ex parte orders, the clerk may collect a fee of thirty dollars.

(13) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audiotape and twenty-five dollars for each video or other electronic storage medium.

(14) For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of twenty dollars must be charged.

(15) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of two hundred dollars must be charged. When the extension of judgment is at the request of the clerk, the two hundred dollar charge may be imposed as court costs under RCW 10.46.190.

(16) A facilitator surcharge of up to twenty dollars must be charged as authorized under RCW 26.12.240.

(17) For filing an adjudication claim under RCW 90.03.180, a fee of twenty-five dollars must be charged.

(18) For filing a claim of frivolous lien under RCW 60.04.081, a fee of thirty-five dollars must be charged.

(19) For preparation of a change of venue, a fee of twenty dollars must be charged by the originating court in addition to the per page charges in subsection (4) of this section.

(20) A service fee of five dollars for the first page and one dollar for each additional page must be charged for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

(21) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.

(22) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.

(23) Investment service charge and earnings under RCW 36.48.090 must be charged.

(24) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.

(25) For filing a request for ((~~mandatory~~)) civil arbitration, a filing fee may be assessed against the party filing a statement of arbitrability not to exceed two hundred ((~~twenty~~)) fifty dollars as established by authority of local ordinance. Two hundred twenty dollars of this charge shall be used ((~~solely~~)) to offset the cost of the ((~~mandatory~~)) civil arbitration program. Thirty dollars of each fee collected under this subsection must be used for indigent defense services.

(26) For filing a request for trial de novo of ((~~an~~)) a civil arbitration award, a fee not to exceed ((~~two~~)) four hundred ((~~fifty~~)) dollars as established by authority of local ordinance must be charged.

(27) A public agency may not charge a fee to a law enforcement agency, for preparation, copying, or mailing of certified copies of the judgment and sentence, information, affidavit of probable cause, and/or the notice of requirement to register, of a sex offender convicted in a Washington court, when such records are necessary for risk assessment, preparation of a case for failure to register, or maintenance of a sex offender's registration file.

(28) For the filing of a will or codicil under the provisions of chapter 11.12 RCW, a fee of twenty dollars must be charged.

(29) For the collection of an adult offender's unpaid legal financial obligations, the clerk may impose an annual fee of up to one hundred dollars, pursuant to RCW 9.94A.780.

(30) A surcharge of up to twenty dollars may be charged in dissolution and legal separation actions as authorized by RCW 26.12.260.

The revenue to counties from the fees established in this section shall be deemed to be complete reimbursement from the state for the state's share of benefits paid to the superior court judges of the state prior to July 24, 2005, and no claim shall lie against the state for such benefits.

NEW SECTION. **Sec. 8.** This act applies to all cases filed on or after September 1, 2018.

NEW SECTION. **Sec. 9.** This act takes effect September 1, 2018.

Passed by the House January 18, 2018.
Passed by the Senate February 28, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 37

[House Bill 1133]

FIRE PROTECTION CONTRACTOR LICENSE FUND--USES

AN ACT Relating to limiting the uses of the fire protection contractor license fund; and amending RCW 18.160.050.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 18.160.050 and 2011 c 331 s 2 are each amended to read as follows:

(1)(a) All certificate of competency holders that desire to continue in the fire protection sprinkler business shall annually, prior to January 1st, secure from the state director of fire protection a renewal certificate of competency upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the certificate holder shall furnish the information required by the director.

(b) Failure of any certificate of competency holder to secure his or her renewal certificate of competency within sixty days after the due date shall constitute sufficient cause for the state director of fire protection to suspend the certificate of competency.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a certificate of competency that has been suspended for failure to pay the renewal fee.

(d) A certificate of competency holder may voluntarily surrender his or her certificate of competency to the state director of fire protection and be relieved of the annual renewal fee. After surrendering the certificate of competency, he or she shall not be known as a certificate of competency holder and shall desist from the practice thereof. Within two years from the time of surrender of the certificate of competency, he or she may again qualify for a certificate of competency, without examination, by the payment of the required fee. If two or more years have elapsed, he or she shall return to the status of a new applicant.

(2)(a) All licensed fire protection sprinkler system contractors desiring to continue to be licensed shall annually, prior to January 1st, secure from the state director of fire protection a renewal license upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the license holder shall furnish the information required by the director.

(b) Failure of any license holder to secure his or her renewal license within sixty days after the due date shall constitute sufficient cause for the state director of fire protection to suspend the license.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a license that has been suspended for failure to pay the renewal fee.

(3) The initial certificate of competency or license fee shall be prorated based upon the portion of the year such certificate of competency or license is in effect, prior to renewal on January 1st.

(4) The fire protection contractor license fund is created in the custody of the state treasurer. All receipts from license and certificate fees and charges or from the money generated by the rules and regulations promulgated under this chapter shall be deposited into the fund. Expenditures from the fund may be used only for purposes authorized under this chapter and ((~~standards for fire protection and its enforcement, with respect to all hospitals as required by RCW 70.41.080;~~)) for providing assistance in identifying fire sprinkler system components that have been subject to either a recall or voluntary replacement program by a manufacturer of fire sprinkler products, a nationally recognized testing laboratory, or the federal consumer product safety commission; and for use in developing and publishing educational materials related to the effectiveness of residential fire sprinklers. Assistance shall include, but is not limited to, aiding in the identification of recalled components, information sharing strategies aimed at ensuring the consumer is made aware of recalls and voluntary replacement programs, and providing training and assistance to local fire authorities, the fire sprinkler industry, and the public. Only the state director of fire protection or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Passed by the House January 29, 2018.

Passed by the Senate February 27, 2018.

Approved by the Governor March 13, 2018.

Filed in Office of Secretary of State March 13, 2018.

CHAPTER 38

[Second Substitute House Bill 1298]

EMPLOYERS--JOB APPLICANT ARRESTS AND CONVICTIONS

AN ACT Relating to prohibiting employers from asking about arrests or convictions before an applicant is determined otherwise qualified for a position; adding a new chapter to Title 49 RCW; creating a new section; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Criminal record" includes any record about a citation or arrest for criminal conduct, including records relating to probable cause to arrest, and includes any record about a criminal or juvenile case filed with any court, whether or not the case resulted in a finding of guilt.

(2) "Employer" includes public agencies, private individuals, businesses and corporations, contractors, temporary staffing agencies, training and apprenticeship programs, and job placement, referral, and employment agencies.

(3) "Otherwise qualified" means that the applicant meets the basic criteria for the position as set out in the advertisement or job description without consideration of a criminal record.

NEW SECTION. **Sec. 2.** (1) An employer may not include any question on any application for employment, inquire either orally or in writing, receive information through a criminal history background check, or otherwise obtain information about an applicant's criminal record until after the employer initially determines that the applicant is otherwise qualified for the position. Once the employer has initially determined that the applicant is otherwise qualified, the employer may inquire into or obtain information about a criminal record.

(2) An employer may not advertise employment openings in a way that excludes people with criminal records from applying. Ads that state "no felons," "no criminal background," or otherwise convey similar messages are prohibited.

(3) An employer may not implement any policy or practice that automatically or categorically excludes individuals with a criminal record from consideration prior to an initial determination that the applicant is otherwise qualified for the position. Prohibited policies and practices include rejecting an applicant for failure to disclose a criminal record prior to initially determining the applicant is otherwise qualified for the position.

(4) This section does not apply to:

(a) Any employer hiring a person who will or may have unsupervised access to children under the age of eighteen, a vulnerable adult as defined in chapter 74.34 RCW, or a vulnerable person as defined in RCW 9.96A.060;

(b) Any employer, including a financial institution, who is expressly permitted or required under any federal or state law to inquire into, consider, or rely on information about an applicant's or employee's criminal record for employment purposes;

(c) Employment by a general or limited authority Washington law enforcement agency as defined in RCW 10.93.020 or by a criminal justice agency as defined in RCW 10.97.030(5)(b);

(d) An employer seeking a nonemployee volunteer; or

(e) Any entity required to comply with the rules or regulations of a self-regulatory organization, as defined in section 3(a)(26) of the securities and exchange act of 1934, 15 U.S.C. 78c(a)(26).

NEW SECTION. **Sec. 3.** (1) This chapter may not be construed to interfere with, impede, or in any way diminish any provision in a collective bargaining agreement or the right of employees to bargain collectively with their employers through representatives of their own choosing concerning wages, standards, and conditions of employment.

(2) This chapter may not be interpreted or applied to diminish or conflict with any requirements of state or federal law, including Title VII of the civil rights act of 1964; the federal fair credit reporting act, 15 U.S.C. Sec. 1681; the Washington state fair credit reporting act, chapter 19.182 RCW; and state laws regarding unsupervised access to children or vulnerable persons, RCW 43.43.830 through 43.43.845.

(3) This chapter may not be interpreted or applied as imposing an obligation on the part of an employer to provide accommodations or job modifications in order to facilitate the employment or continued employment of an applicant or employee with a criminal record or who is facing pending criminal charges.

(4) This chapter may not be construed to discourage or prohibit an employer from adopting employment policies that are more protective of employees and job applicants than the requirements of this chapter.

(5) This chapter may not be construed to interfere with local government laws that provide additional protections to applicants or employees with criminal records, nor does it prohibit local governments from enacting greater protections for such applicants or employees in the future. Local government laws that provide lesser protections to job applicants with criminal records than this chapter conflict with this chapter and may not be enforced.

(6) This chapter may not be construed to create a private right of action to seek damages or remedies of any kind. The exclusive remedy available under this chapter is enforcement described in section 4 of this act. This chapter does not create any additional liability for employers beyond that enumerated in this chapter.

NEW SECTION. **Sec. 4.** (1) The state attorney general's office shall enforce this chapter. Its powers to enforce this chapter include the authority to:

(a) Investigate violations of this chapter on its own initiative;

(b) Investigate violations of this chapter in response to complaints and seek remedial relief for the complainant;

(c) Educate the public about how to comply with this chapter;

(d) Issue written civil investigative demands for pertinent documents, answers to written interrogatories, or oral testimony as required to enforce this chapter;

(e) Adopt rules implementing this chapter including rules specifying applicable penalties; and

(f) Pursue administrative sanctions or a lawsuit in the courts for penalties, costs, and attorneys' fees.

(2) In exercising its powers, the attorney general's office shall utilize a stepped enforcement approach, by first educating violators, then warning them, then taking legal, including administrative, action. Maximum penalties are as

follows: A notice of violation and offer of agency assistance for the first violation; a monetary penalty of up to seven hundred fifty dollars for the second violation; and a monetary penalty of up to one thousand dollars for each subsequent violation.

NEW SECTION. **Sec. 5.** 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. 6.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 7.** Sections 1 through 4, 6, and 8 of this act constitute a new chapter in Title 49 RCW.

NEW SECTION. **Sec. 8.** This act may be known and cited as the Washington fair chance act.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void.

Passed by the House March 3, 2018.
Passed by the Senate February 28, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 39

[Engrossed Substitute House Bill 1434]
SHARED LEAVE--PREGNANCY AND PARENTAL LEAVE

AN ACT Relating to adding the use of shared leave for employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive, or foster child; amending RCW 41.04.650, 41.04.655, 41.04.660, and 41.04.665; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 41.04.650 and 1989 c 93 s 1 are each amended to read as follows:

The legislature finds that: (1) State employees historically have joined together to help their fellow employees who suffer from, or have relatives or household members suffering from, an extraordinary or severe illness, injury, impairment, or physical or mental condition which prevents the individual from working and causes great economic and emotional distress to the employee and his or her family; ((~~and~~)) (2) state employees have also joined together to help their fellow employees who are sick or temporarily disabled because of pregnancy disability or for the purpose of parental leave to bond with the employee's newborn, adoptive, or foster child; and (3) these circumstances may

be exacerbated because the affected employees use all their accrued sick leave and annual leave and are forced to take leave without pay or terminate their employment. Therefore, the legislature intends to provide for the establishment of a leave sharing program.

Sec. 2. RCW 41.04.655 and 2008 c 36 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 41.04.650 through 41.04.670, 28A.400.380, and section 7, chapter 93, Laws of 1989.

(1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, between family or household members as defined in RCW 26.50.010; (b) sexual assault of one family or household member by another family or household member; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

(2) "Employee" means any employee of the state, including employees of school districts and educational service districts, who are entitled to accrue sick leave or annual leave and for whom accurate leave records are maintained.

(3) "Parental leave" means leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care, for a period of up to sixteen weeks after the birth or placement.

(4) "Pregnancy disability" means a pregnancy-related medical condition or miscarriage.

(5) "Program" means the leave sharing program established in RCW 41.04.660.

(((~~(4)~~))) (6) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(((~~(5)~~))) (7) "Sexual assault" has the same meaning as set forth in RCW 70.125.030.

(((~~(6)~~))) (8) "Stalking" has the same meaning as set forth in RCW 9A.46.110.

(((~~(7)~~))) (9) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

(((~~(8)~~))) (10) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the president of the United States in time of war or national emergency.

(((~~(9)~~))) (11) "Victim" means a person against whom domestic violence, sexual assault, or stalking has been committed as defined in this section.

Sec. 3. RCW 41.04.660 and 2008 c 36 s 2 are each amended to read as follows:

The Washington state leave sharing program is hereby created. The purpose of the program is to permit state employees, at no significantly increased cost to the state of providing annual leave, sick leave, or personal holidays, to come to the aid of a fellow state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition; a fellow state employee who is a victim of domestic violence, sexual assault, or stalking; a fellow state employee who is sick or temporarily disabled because of pregnancy disability or for the purpose of parental leave; or a fellow state employee who has been called to service in the uniformed services, which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment.

Sec. 4. RCW 41.04.665 and 2016 c 177 s 1 are each amended to read as follows:

(1) An agency head may permit an employee to receive leave under this section if:

(a)(i) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature;

(ii) The employee has been called to service in the uniformed services;

(iii) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has needed skills to assist in responding to the emergency or its aftermath and volunteers his or her services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services; ((~~or~~))

(iv) The employee is a victim of domestic violence, sexual assault, or stalking;

(v) The employee needs the time for parental leave; or

(vi) The employee is sick or temporarily disabled because of pregnancy disability;

(b) The illness, injury, impairment, condition, call to service, emergency volunteer service, or consequence of domestic violence, sexual assault, temporary layoff under section 3(5), chapter 32, Laws of 2010 1st sp. sess., or stalking has caused, or is likely to cause, the employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment;

(c) The employee's absence and the use of shared leave are justified;

(d) The employee has depleted or will shortly deplete his or her:

(i) Annual leave and sick leave reserves if he or she qualifies under (a)(i) of this subsection;

(ii) Annual leave and paid military leave allowed under RCW 38.40.060 if he or she qualifies under (a)(ii) of this subsection; ((~~or~~))

(iii) Annual leave if he or she qualifies under (a)(iii) or (iv) of this subsection; or

(iv) Annual leave and sick leave reserves if the employee qualifies under (a)(v) or (vi) of this subsection. However, the employee is not required to

deplete all of his or her annual leave and sick leave and can maintain up to forty hours of annual leave and forty hours of sick leave in reserve;

(e) The employee has abided by agency rules regarding:

(i) Sick leave use if he or she qualifies under (a)(i) ((~~or~~)), (iv), (v), or (vi) of this subsection; or

(ii) Military leave if he or she qualifies under (a)(ii) of this subsection; and

(f) The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if he or she qualifies under (a)(i) of this subsection.

(2) The agency head shall determine the amount of leave, if any, which an employee may receive under this section. However, an employee shall not receive a total of more than five hundred twenty-two days of leave, except that, a supervisor may authorize leave in excess of five hundred twenty-two days in extraordinary circumstances for an employee qualifying for the shared leave program because he or she is suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature. Shared leave received under the uniformed service shared leave pool in RCW 41.04.685 is not included in this total.

(3) An employee may transfer annual leave, sick leave, and his or her personal holiday, as follows:

(a) An employee who has an accrued annual leave balance of more than ten days may request that the head of the agency for which the employee works transfer a specified amount of annual leave to another employee authorized to receive leave under subsection (1) of this section. In no event may the employee request a transfer of an amount of leave that would result in his or her annual leave account going below ten days. For purposes of this subsection (3)(a), annual leave does not accrue if the employee receives compensation in lieu of accumulating a balance of annual leave.

(b) An employee may transfer a specified amount of sick leave to an employee requesting shared leave only when the donating employee retains a minimum of one hundred seventy-six hours of sick leave after the transfer.

(c) An employee may transfer, under the provisions of this section relating to the transfer of leave, all or part of his or her personal holiday, as that term is defined under RCW 1.16.050, or as such holidays are provided to employees by agreement with a school district's board of directors if the leave transferred under this subsection does not exceed the amount of time provided for personal holidays under RCW 1.16.050.

(4) An employee of an institution of higher education under RCW 28B.10.016, school district, or educational service district who does not accrue annual leave but does accrue sick leave and who has an accrued sick leave balance of more than twenty-two days may request that the head of the agency for which the employee works transfer a specified amount of sick leave to another employee authorized to receive leave under subsection (1) of this section. In no event may such an employee request a transfer that would result in his or her sick leave account going below twenty-two days. Transfers of sick leave under this subsection are limited to transfers from employees who do not accrue annual leave. Under this subsection, "sick leave" also includes leave accrued pursuant to RCW 28A.400.300(1)(b) or 28A.310.240(1) with compensation for illness, injury, and emergencies.

(5) Transfers of leave made by an agency head under subsections (3) and (4) of this section shall not exceed the requested amount.

(6) Leave transferred under this section may be transferred from employees of one agency to an employee of the same agency or, with the approval of the heads of both agencies, to an employee of another state agency.

(7) While an employee is on leave transferred under this section, he or she shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(a) All salary and wage payments made to employees while on leave transferred under this section shall be made by the agency employing the person receiving the leave. The value of leave transferred shall be based upon the leave value of the person receiving the leave.

(b) In the case of leave transferred by an employee of one agency to an employee of another agency, the agencies involved shall arrange for the transfer of funds and credit for the appropriate value of leave.

(i) Pursuant to rules adopted by the office of financial management, funds shall not be transferred under this section if the transfer would violate any constitutional or statutory restrictions on the funds being transferred.

(ii) The office of financial management may adjust the appropriation authority of an agency receiving funds under this section only if and to the extent that the agency's existing appropriation authority would prevent it from expending the funds received.

(iii) Where any questions arise in the transfer of funds or the adjustment of appropriation authority, the director of financial management shall determine the appropriate transfer or adjustment.

(8) Leave transferred under this section shall not be used in any calculation to determine an agency's allocation of full time equivalent staff positions.

(9)(a) The value of any leave transferred under this section which remains unused shall be returned at its original value to the employee or employees who transferred the leave when the agency head finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred or for any other qualifying condition. Unused shared leave may not be returned until one of the following occurs:

(i) The agency head receives from the affected employee a statement from the employee's doctor verifying that the illness or injury is resolved; or

(ii) The employee is released to full-time employment; has not received additional medical treatment for his or her current condition or any other qualifying condition for at least six months; and the employee's doctor has declined, in writing, the employee's request for a statement indicating the employee's condition has been resolved.

(b) If a shared leave account is closed and an employee later has a need to use shared leave due to the same condition listed in the closed account, the agency head must approve a new shared leave request for the employee.

(c) To the extent administratively feasible, the value of unused leave which was transferred by more than one employee shall be returned on a pro rata basis.

(10) An employee who uses leave that is transferred to him or her under this section may not be required to repay the value of the leave that he or she used.

(11) The director of financial management may adopt rules as necessary to implement subsection (2) of this section.

NEW SECTION. **Sec. 5.** This act takes effect July 1, 2018.

Passed by the House January 31, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 40

[Engrossed Second Substitute House Bill 1831]
PUBLIC ASSISTANCE--RESOURCE LIMITS

AN ACT Relating to revising resource limitations for public assistance; reenacting and amending RCW 74.04.005; creating a new section; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 74.04.005 and 2011 1st sp.s. c 36 s 8 and 2011 1st sp.s. c 15 s 61 are each reenacted and amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Aged, blind, or disabled assistance program" means the program established under RCW 74.62.030.

(2) "Applicant" means any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(3) "Authority" means the health care authority.

(4) "County or local office" means the administrative office for one or more counties or designated service areas.

(5) "Department" means the department of social and health services.

(6) "Director" means the director of the health care authority.

(7) "Essential needs and housing support program" means the program established in RCW 43.185C.220.

(8) "Federal aid assistance" means the specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(9) "Income" means:

(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him or her to decrease his or her need for public assistance or to aid in rehabilitating him or her or his or her dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In addition, for cash assistance the department may disregard income pursuant to RCW 74.08A.230 and 74.12.350.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(10) "Need" means the difference between the applicant's or recipient's standards of assistance for himself or herself and the dependent members of his or her family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his or her family.

(11) "Public assistance" or "assistance" means public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, benefits under RCW 74.62.030 and 43.185C.220, and federal aid assistance.

(12) "Recipient" means any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(13) "Resource" means any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent. The department may by rule designate resources that an applicant may retain and not be ineligible for public assistance because of such resources. Exempt resources shall include, but are not limited to:

(a) A home that an applicant, recipient, or their dependents is living in, including the surrounding property;

(b) Household furnishings and personal effects;

(c) ((~~A~~)) One motor vehicle, other than a motor home, used and useful having an equity value not to exceed ((~~five~~)) ten thousand dollars;

(d) A motor vehicle necessary to transport a household member with a physical disability. This exclusion is limited to one vehicle per person with a physical disability;

(e) All other resources, including any excess of values exempted, not to exceed ((~~one~~)) six thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance((~~. The department shall also allow recipients of temporary assistance for needy families to exempt savings accounts with combined balances of up to an additional three thousand dollars~~));

(f) Applicants for or recipients of benefits under RCW 74.62.030 and 43.185C.220 shall have their eligibility based on resource limitations consistent with the temporary assistance for needy families program rules adopted by the department; and

(g) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property

owned by such persons when they are making a good faith effort to dispose of that property if:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(14) "Secretary" means the secretary of social and health services.

(15) "Standards of assistance" means the level of income required by an applicant or recipient to maintain a level of living specified by the department.

(16) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(17) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders, and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

NEW SECTION. **Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 3.** This act takes effect February 1, 2019.

Passed by the House February 7, 2018.
Passed by the Senate March 2, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 41

[Substitute House Bill 2016]

INCARCERATED WOMEN--MIDWIFERY AND DOULA SERVICES

AN ACT Relating to access to midwifery and doula services for incarcerated women; adding a new section to chapter 72.09 RCW; and adding a new section to chapter 70.48 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The department must make reasonable accommodations for the provision of available midwifery or doula services to inmates who are pregnant or who have given birth in the last six weeks. Persons providing midwifery or doula services must be granted appropriate facility access, must be allowed to attend and provide assistance during labor and childbirth where feasible, and

must have access to the inmate's relevant health care information, as defined in RCW 70.02.010, if the inmate authorizes disclosure.

(2) For purposes of this section, the following definitions apply:

(a) "Doula services" are services provided by a trained doula and designed to provide physical, emotional, or informational support to a pregnant woman before, during, and after delivery of a child. Doula services may include, but are not limited to: Support and assistance during labor and childbirth; prenatal and postpartum education; breastfeeding assistance; parenting education; and support in the event that a woman has been or will become separated from her child.

(b) "Midwifery services" means medical aid rendered by a midwife to a woman during prenatal, intrapartum, or postpartum stages or to a woman's newborn up to two weeks of age.

(c) "Midwife" means a midwife licensed under chapter 18.50 RCW or an advanced registered nurse practitioner licensed under chapter 18.79 RCW.

(3) Nothing in this section requires the department to establish or provide funding for midwifery or doula services, or prevents the department from adopting policy guidelines for the delivery of midwifery or doula services to inmates. Services provided under this section may not supplant health care services routinely provided to the inmate.

NEW SECTION. **Sec. 2.** A new section is added to chapter 70.48 RCW to read as follows:

(1) Jails must make reasonable accommodations for the provision of available midwifery or doula services to inmates who are pregnant or who have given birth in the last six weeks. Persons providing midwifery or doula services must be granted appropriate facility access, must be allowed to attend and provide assistance during labor and childbirth where feasible, and must have access to the inmate's relevant health care information, as defined in RCW 70.02.010, if the inmate authorizes disclosure.

(2) For purposes of this section, the following definitions apply:

(a) "Doula services" are services provided by a trained doula and designed to provide physical, emotional, or informational support to a pregnant woman before, during, and after delivery of a child. Doula services may include, but are not limited to: Support and assistance during labor and childbirth; prenatal and postpartum education; breastfeeding assistance; parenting education; and support in the event that a woman has been or will become separated from her child.

(b) "Midwifery services" means medical aid rendered by a midwife to a woman during prenatal, intrapartum, or postpartum stages or to a woman's newborn up to two weeks of age.

(c) "Midwife" means a midwife licensed under chapter 18.50 RCW or an advanced registered nurse practitioner licensed under chapter 18.79 RCW.

(3) Nothing in this section requires governing units to establish or provide funding for midwifery or doula services, or prevents the adoption of policy guidelines for the delivery of midwifery or doula services to inmates. Services provided under this section may not supplant health care services routinely provided to the inmate.

Passed by the House January 18, 2018.

Passed by the Senate February 27, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 42

[House Bill 2261]

HOUSING AUTHORITIES--STATE PUBLIC BODY SUPPORT

AN ACT Relating to housing authorities; and adding a new section to chapter 35.83 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 35.83 RCW to read as follows:

For the purpose of aiding the board of commissioners of a housing authority in carrying out the board's duties or powers under any applicable law, any state public body may, with or without consideration, provide monetary, in-kind, or other support to the board of commissioners of a housing authority. Such support may not be for the purpose of compensation for a commissioner for his or her services rendered to the housing authority.

Passed by the House February 1, 2018.
Passed by the Senate March 2, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 43

[House Bill 2474]

MARIJUANA PRODUCT CONTAINER LABELS--BUSINESS INFORMATION

AN ACT Relating to information on marijuana product container labels about the businesses that produced, processed, or sold the marijuana product; amending RCW 69.50.345; and adding a new section to chapter 69.50 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 69.50 RCW to read as follows:

The label on a marijuana product container sold at retail:

(1) Must include the business or trade name and Washington state unified business identifier number of the marijuana producer and processor that produced and processed the marijuana as required pursuant to RCW 69.50.345(7); and

(2) Is not required to include the business or trade name or Washington state unified business identifier number of, or any information about, the marijuana retailer selling the marijuana product.

Sec. 2. RCW 69.50.345 and 2015 c 70 s 8 are each amended to read as follows:

The state liquor and cannabis board, subject to the provisions of this chapter, must adopt rules that establish the procedures and criteria necessary to implement the following:

(1) Licensing of marijuana producers, marijuana processors, and marijuana retailers, including prescribing forms and establishing application, reinstatement, and renewal fees.

(a) Application forms for marijuana producers must request the applicant to state whether the applicant intends to produce marijuana for sale by marijuana retailers holding medical marijuana endorsements and the amount of or percentage of canopy the applicant intends to commit to growing plants determined by the department under RCW 69.50.375 to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for marijuana concentrates, useable marijuana, or marijuana-infused products sold to qualifying patients.

(b) The state liquor and cannabis board must reconsider and increase limits on the amount of square feet permitted to be in production on July 24, 2015, and increase the percentage of production space for those marijuana producers who intend to grow plants for marijuana retailers holding medical marijuana endorsements if the marijuana producer designates the increased production space to plants determined by the department under RCW 69.50.375 to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for marijuana concentrates, useable marijuana, or marijuana-infused products to be sold to qualifying patients. If current marijuana producers do not use all the increased production space, the state liquor and cannabis board may reopen the license period for new marijuana producer license applicants but only to those marijuana producers who agree to grow plants for marijuana retailers holding medical marijuana endorsements. Priority in licensing must be given to marijuana producer license applicants who have an application pending on July 24, 2015, but who are not yet licensed and then to new marijuana producer license applicants. After January 1, 2017, any reconsideration of the limits on the amount of square feet permitted to be in production to meet the medical needs of qualifying patients must consider information contained in the medical marijuana authorization database established in RCW 69.51A.230;

(2) Determining, in consultation with the office of financial management, the maximum number of retail outlets that may be licensed in each county, taking into consideration:

(a) Population distribution;

(b) Security and safety issues;

(c) The provision of adequate access to licensed sources of marijuana concentrates, useable marijuana, and marijuana-infused products to discourage purchases from the illegal market; and

(d) The number of retail outlets holding medical marijuana endorsements necessary to meet the medical needs of qualifying patients. The state liquor and cannabis board must reconsider and increase the maximum number of retail outlets it established before July 24, 2015, and allow for a new license application period and a greater number of retail outlets to be permitted in order to accommodate the medical needs of qualifying patients and designated providers. After January 1, 2017, any reconsideration of the maximum number of retail outlets needed to meet the medical needs of qualifying patients must consider information contained in the medical marijuana authorization database established in RCW 69.51A.230;

(3) Determining the maximum quantity of marijuana a marijuana producer may have on the premises of a licensed location at any time without violating Washington state law;

(4) Determining the maximum quantities of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products a marijuana processor may have on the premises of a licensed location at any time without violating Washington state law;

(5) Determining the maximum quantities of marijuana concentrates, useable marijuana, and marijuana-infused products a marijuana retailer may have on the premises of a retail outlet at any time without violating Washington state law;

(6) In making the determinations required by this section, the state liquor and cannabis board shall take into consideration:

(a) Security and safety issues;

(b) The provision of adequate access to licensed sources of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products to discourage purchases from the illegal market; and

(c) Economies of scale, and their impact on licensees' ability to both comply with regulatory requirements and undercut illegal market prices;

(7) Determining the nature, form, and capacity of all containers to be used by licensees to contain marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products, and their labeling requirements, to include but not be limited to:

(a) The business or trade name and Washington state unified business identifier number of the licensees that produced and processed ((~~and sold~~)) the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;

(b) Lot numbers of the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;

(c) THC concentration and CBD concentration of the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;

(d) Medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(e) Language required by RCW 69.04.480;

(8) In consultation with the department of agriculture and the department, establishing classes of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products according to grade, condition, cannabinoid profile, THC concentration, CBD concentration, or other qualitative measurements deemed appropriate by the state liquor and cannabis board;

(9) Establishing reasonable time, place, and manner restrictions and requirements regarding advertising of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products that are not inconsistent with the provisions of this chapter, taking into consideration:

(a) Federal laws relating to marijuana that are applicable within Washington state;

(b) Minimizing exposure of people under twenty-one years of age to the advertising;

(c) The inclusion of medically and scientifically accurate information about the health and safety risks posed by marijuana use in the advertising; and

(d) Ensuring that retail outlets with medical marijuana endorsements may advertise themselves as medical retail outlets;

(10) Specifying and regulating the time and periods when, and the manner, methods, and means by which, licensees shall transport and deliver marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products within the state;

(11) In consultation with the department and the department of agriculture, establishing accreditation requirements for testing laboratories used by licensees to demonstrate compliance with standards adopted by the state liquor and cannabis board, and prescribing methods of producing, processing, and packaging marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products; conditions of sanitation; and standards of ingredients, quality, and identity of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products produced, processed, packaged, or sold by licensees;

(12) Specifying procedures for identifying, seizing, confiscating, destroying, and donating to law enforcement for training purposes all marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products produced, processed, packaged, labeled, or offered for sale in this state that do not conform in all respects to the standards prescribed by this chapter or the rules of the state liquor and cannabis board.

Passed by the House January 22, 2018.
Passed by the Senate March 2, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 44

[Substitute House Bill 2516]

HEALTH BENEFIT EXCHANGE

AN ACT Relating to modernizing the health benefit exchange statutes by aligning statutes with current practice and making clarifying changes to the health benefit exchange enabling statute; amending RCW 43.71.010, 43.71.020, 43.71.030, 43.71.060, 43.71.065, 43.71.070, 43.71.075, 43.71.080, and 48.43.039; and repealing RCW 43.71.035, 43.71.040, 43.71.050, and 43.71.090.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.71.010 and 2013 2nd sp.s. c 6 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. Terms and phrases used in this chapter that are not defined in this section must be defined as consistent with implementation of a state health benefit exchange pursuant to ((~~the affordable care act~~)) applicable federal law.

(1) ((~~"Affordable care act" means the federal patient protection and affordable care act, P.L. 111-148, as amended by the federal health care and education reconciliation act of 2010, P.L. 111-152, or federal regulations or guidance issued under the affordable care act.~~

~~(2)~~)) "Authority" means the Washington state health care authority, established under chapter 41.05 RCW.

((~~(3)~~)) (2) "Board" means the governing board established in RCW 43.71.020.

((~~(4)~~)) (3) "Commissioner" means the insurance commissioner, established in Title 48 RCW.

((~~(5)~~)) (4) "Exchange" means the Washington health benefit exchange established in RCW 43.71.020.

((~~(6)~~)) (5) "Self-sustaining" means capable of operating with revenue attributable to the operations of the exchange. Self-sustaining sources include, but are not limited to, federal grants, federal premium tax subsidies and credits, charges to health carriers, premiums paid by enrollees, and premium taxes under RCW 48.14.0201(5)(b) and 48.14.020(2).

Sec. 2. RCW 43.71.020 and 2012 c 87 s 3 are each amended to read as follows:

(1) The Washington health benefit exchange is established and constitutes a self-sustaining public-private partnership separate and distinct from the state, exercising functions delineated in chapter 317, Laws of 2011. By January 1, 2014, the exchange shall operate consistent with ((~~the affordable care act~~)) applicable federal law subject to statutory authorization. The exchange shall have a governing board consisting of persons with expertise in the Washington health care system and private and public health care coverage. The ((~~initial~~)) membership of the board shall be appointed as follows:

(a) ((~~By October 1, 2011,~~)) Each of the two largest caucuses in both the house of representatives and the senate shall submit to the governor a list of five nominees who are not legislators or employees of the state or its political subdivisions, with no caucus submitting the same nominee.

(i) The nominations from the largest caucus in the house of representatives must include at least one employee benefit specialist;

(ii) The nominations from the second largest caucus in the house of representatives must include at least one health economist or actuary;

(iii) The nominations from the largest caucus in the senate must include at least one representative of health consumer advocates;

(iv) The nominations from the second largest caucus in the senate must include at least one representative of small business;

(v) The remaining nominees must have demonstrated and acknowledged expertise in at least one of the following areas: Individual health care coverage, small employer health care coverage, health ((~~benefits~~)) benefit plan administration, health care finance and economics, actuarial science, or administering a public or private health care delivery system.

(b) ((~~By December 15, 2011,~~)) The governor shall appoint two members from each list submitted by the caucuses under (a) of this subsection. The appointments made under this subsection (1)(b) must include at least one employee benefits specialist, one health economist or actuary, one representative of small business, and one representative of health consumer advocates. The remaining four members must have a demonstrated and acknowledged expertise in at least one of the following areas: Individual health care coverage, small employer health care coverage, health ((~~benefits~~)) benefit plan administration, health care finance and economics, actuarial science, or administering a public or private health care delivery system.

(c) ((~~By December 15, 2011,~~)) The governor shall appoint a ninth member to serve as chair. The chair may not be an employee of the state or its political subdivisions. The chair shall serve as a nonvoting member except in the case of a tie.

(d) The following members shall serve as nonvoting, ex officio members of the board:

(i) The insurance commissioner or his or her designee; and

(ii) The administrator of the health care authority, or his or her designee.

(2) Initial members of the board shall serve staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms.

(3) A member of the board whose term has expired or who otherwise leaves the board shall be replaced by gubernatorial appointment. Upon the expiration of a member's term, the member shall continue to serve until a successor has been appointed and has assumed office. When the person leaving was nominated by one of the caucuses of the house of representatives or the senate, his or her replacement shall be appointed from a list of five nominees submitted by that caucus within thirty days after the person leaves. If the member to be replaced is the chair, the governor shall appoint a new chair within thirty days after the vacancy occurs. A person appointed to replace a member who leaves the board prior to the expiration of his or her term shall serve only the duration of the unexpired term. Members of the board may be reappointed to multiple terms.

(4) No board member may be appointed if his or her participation in the decisions of the board could benefit his or her own financial interests or the financial interests of an entity he or she represents. A board member who develops such a conflict of interest shall resign or be removed from the board.

(5) Members of the board must be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. Meetings of the board are at the call of the chair.

(6) The exchange and the board are subject only to the provisions of chapter 42.30 RCW, the open public meetings act, and chapter 42.56 RCW, the public records act, and not to any other law or regulation generally applicable to state agencies. Consistent with the open public meetings act, the board may hold executive sessions to consider proprietary or confidential nonpublished information.

(7)(a) The board shall establish an advisory committee to allow for the views of the health care industry and other stakeholders to be heard in the operation of the health benefit exchange.

(b) The board may establish technical advisory committees or seek the advice of technical experts when necessary to execute the powers and duties included in chapter 317, Laws of 2011.

(8) Members of the board are not civilly or criminally liable and may not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under chapter 317, Laws of 2011. Nothing in this section prohibits legal actions against the board to enforce the board's statutory or contractual duties or obligations.

(9) In recognition of the government-to-government relationship between the state of Washington and the federally recognized tribes in the state of Washington, the board shall consult with the American Indian health commission.

Sec. 3. RCW 43.71.030 and 2015 3rd sp.s. c 33 s 1 are each amended to read as follows:

(1) The exchange has the authority to:

(a) Provide an application and enrollment portal for individual and small group health and dental insurance and state and federal health care programs;

(b) Certify qualified health and dental plans to be offered for enrollment through the exchange;

(c) Provide consumer education and assistance regarding cost and coverage of certified plans, plan selection, eligibility for subsidies, and health insurance literacy, which must include, but not be limited to, a web site, toll-free call center, and consumer assistance by navigators and insurance producers;

(d) Determine eligibility for premium tax credits, cost-sharing reductions, other available subsidies, and enrollment in state and federal health care programs consistent with applicable federal law; and

(e) Provide data and assistance necessary to facilitate payments of premium tax credits and other subsidies.

(2) The exchange may, in exercising its authority consistent with the purposes of this chapter: (a) Sue and be sued in its own name; (b) make and execute agreements, contracts, and other instruments, with any public or private person or entity; (c) employ, contract with, or engage personnel; (d) pay administrative costs; (e) accept grants, donations, loans of funds, and contributions in money, services, materials or otherwise, from the United States or any of its agencies, from the state of Washington and its agencies or from any other source, and use or expend those moneys, services, materials, or other contributions; (f) aggregate or delegate the aggregation of funds that comprise the premium for a health plan; and (g) ((~~complete~~)) perform other duties necessary ((~~to begin open~~)) for enrollment in ((~~qualified health plans~~)) health coverage through the exchange ((~~beginning October 1, 2013~~)).

(((~~(2)~~))) (3) The board shall develop and implement a methodology to ensure the exchange is self-sustaining ((~~after December 31, 2014~~)). The board shall seek input from health carriers to develop funding mechanisms that fairly and equitably apportion among carriers the reasonable administrative costs and expenses incurred to implement the provisions of this chapter. ((~~The board shall submit its recommendations to the legislature by December 1, 2012. If the legislature does not enact legislation during the 2013 regular session to modify or reject the board's recommendations, the board may proceed with implementation of the recommendations.~~

~~(3)~~))) (4) The board shall establish policies that permit city and county governments, Indian tribes, tribal organizations, urban Indian organizations, private foundations, and other entities to pay premiums and cost sharing on behalf of qualified individuals.

(((~~(4)~~))) (5) The employees of the exchange may participate in the public employees' retirement system under chapter 41.40 RCW and the public employees' benefits board under chapter 41.05 RCW.

(((~~(5)~~))) (6) Qualified employers may access coverage for their employees through the exchange for small groups under ((~~section 1311 of P.L. 111-148 of 2010, as amended~~)) applicable federal law. The exchange shall enable any qualified employer to specify a level of coverage so that any of its employees may enroll in any qualified health plan offered through the small group exchange at the specified level of coverage. The exchange may offer information to consumers and small businesses about qualified small employer health reimbursement arrangements.

(((~~(6)~~))) (7) The exchange shall report its activities and status to the governor and the legislature as requested, and no less often than annually.

(((~~(7)~~))) (8) By January ((~~1, 2016~~)) 1st of each year, the exchange must submit to the legislature, the governor's office, and the board ((~~a five-year spending plan~~)) an annual financial report that identifies ((~~potential reductions in exchange per member per month spending below the per member per month levels based on a calculation from the 2015-2017 biennium appropriation~~)) the annual cost of operating the exchange. The report must identify specific reductions in spending in the following areas: Call center, information technology, and staffing. ((~~The exchange must provide annual updates on the reduction identified in the spending plan~~)) The report must include:

(a) A report of all expenses;

(b) Beginning and ending fund balances, by fund source;

(c) Any contracts or contract amendments signed by the exchange;

(d) An accounting of staff required to operate the exchange broken out by full-time equivalent positions, contracted employees, temporary staff, and any other relevant designation that indicates the staffing level of the exchange; and

(e) A per member per month metric, per qualified health plan enrollee and apple health enrollee, calculated by dividing funds allocated for the exchange over the 2015-2017 biennium by the number of enrollees in both qualified health plans and apple health during the year.

(((~~(8) By January 1, 2016, the exchange must develop metrics, with actuarial support and input from the health care authority, office of insurance commissioner, office of financial management, and other relevant agencies, that capture current spending levels that include a per member per month metric; establish five-year benchmarks for spending reductions; monitor ongoing progress toward achieving those benchmarks; and post progress to date toward achieving the established benchmark on the exchange public corporate web site. Quarterly updates must be provided to relevant legislative committees and the board.~~

~~(9) For biennia following 2015-2017, the exchange must include additional detail capturing the annual cost of operating the exchange, per qualified health plan enrollee and apple health enrollee per month, as calculated by dividing funds allocated for the exchange over the 2015-2017 biennium by the number of enrollees in both qualified health plans and apple health during the year. The data must be tracked and reported to the legislature and the board on an annual basis.~~

~~(10)~~))) (9)(a) The exchange shall prepare and annually update a strategic plan for the development, maintenance, and improvement of exchange operations for the purpose of assisting the exchange in establishing priorities to better serve the needs of its specific constituency and the public in general. The

strategic plan is the exchange's process for defining its methodology for achieving optimal outcomes, for complying with applicable state and federal statutes, rules, regulations, and mandatory policies, and for guaranteeing an appropriate level of transparency in its dealings. The strategic plan must include, but is not limited to:

(i) Comprehensive five-year and ten-year plans for the exchange's direction with clearly defined outcomes and goals;

(ii) Concrete plans for achieving or surpassing desired outcomes and goals;

(iii) Strategy for achieving enrollment and reenrollment targets;

(iv) Detailed stakeholder and external communication plans; and

(v) Identification of funding sources, and a plan for how it will fund and allocate resources to pursue desired goals and outcomes((~~; and~~

~~(vi) A detailed report including:~~

~~(A) Salaries of all current employees of the exchange, including starting salary, any increases received, and the basis for any increases;~~

~~(B) Salary, overtime, and compensation policies for staff of the exchange;~~

~~(C) A report of all expenses;~~

~~(D) Beginning and ending fund balances, by fund source;~~

~~(E) Any contracts or contract amendments signed by the exchange; and~~

~~(F) An accounting of staff required to operate the exchange broken out by full-time equivalent positions, contracted employees, temporary staff, and any other relevant designation that indicates the staffing level of the exchange~~)).

(b) The strategic plan and its updates must be submitted to the authority, the appropriate committees of the legislature, and the board by September 30th of each year ((~~beginning September 30, 2015; the report of expenses for items identified in (a)(vi)(C) through (F) of this subsection must be submitted to the appropriate committees of the legislature and the board on a quarterly basis~~)).

Sec. 4. RCW 43.71.060 and 2013 2nd sp.s. c 6 s 2 are each amended to read as follows:

(1) The health benefit exchange account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used to fund the operation of the exchange and identification, collection, and distribution of premium taxes collected under RCW 48.14.0201(5)(b) and 48.14.020(2).

(2) The following funds must be deposited in the account:

(a) Premium taxes collected under RCW 48.14.0201(5)(b) and 48.14.020(2);

(b) Assessments authorized under RCW 43.71.080; and

(c) Amounts transferred by the pool administrator as specified in the state omnibus appropriations act pursuant to RCW 48.41.090.

(3) All receipts from federal grants received ((~~under the affordable care act~~)) may be deposited into the account. Expenditures from the account may be used only for purposes consistent with the grants.

(((~~(4) During the 2013-2015 fiscal biennium, the legislature may transfer from the health benefit exchange account to the state general fund such amounts as reflect the excess fund balance of the account.~~))

Sec. 5. RCW 43.71.065 and 2012 c 87 s 8 are each amended to read as follows:

(1) The board shall certify a plan as a qualified health plan to be offered through the exchange if the plan is determined by the:

(a) Insurance commissioner to meet the requirements of Title 48 RCW and rules adopted by the commissioner pursuant to chapter 34.05 RCW to implement the requirements of Title 48 RCW;

(b) Board to meet the requirements of ((~~the affordable care act~~)) applicable federal law for certification as a qualified health plan; and

(c) Board to include tribal clinics and urban Indian clinics as essential community providers in the plan's provider network consistent with federal law. If consistent with federal law, integrated delivery systems shall be exempt from the requirement to include essential community providers in the provider network.

(2) Consistent with ((~~section 1311 of P.L. 111-148 of 2010, as amended~~)) applicable federal law, the board shall allow stand-alone dental plans to offer coverage in the exchange beginning January 1, 2014. Dental benefits offered in the exchange must be offered and priced separately to assure transparency for consumers.

(3) The board may permit direct primary care medical home plans, consistent with ((~~section 1301 of P.L. 111-148 of 2010, as amended~~)) applicable federal law, to be offered in the exchange ((~~beginning January 1, 2014~~)).

(4) Upon request by the board, a state agency shall provide information to the board for its use in determining if the requirements under subsection (1)(b) or (c) of this section have been met. Unless the agency and the board agree to a later date, the agency shall provide the information within sixty days of the request. The exchange shall reimburse the agency for the cost of compiling and providing the requested information within one hundred eighty days of its receipt.

(5) A decision by the board denying a request to certify or recertify a plan as a qualified health plan may be appealed according to procedures adopted by the board.

Sec. 6. RCW 43.71.070 and 2012 c 87 s 9 are each amended to read as follows:

The board shall establish a rating system consistent with ((~~section 1311 of P.L. 111-148 of 2010, as amended~~)) applicable federal law, for qualified health plans to assist consumers in evaluating plan choices in the exchange. Rating factors established by the board may include, but are not limited to:

(1) Affordability with respect to premiums, deductibles, and point-of-service cost-sharing;

(2) Enrollee satisfaction;

(3) Provider reimbursement methods that incentivize health homes or chronic care management or care coordination for enrollees with complex, high-cost, or multiple chronic conditions;

(4) Promotion of appropriate primary care and preventive services utilization;

(5) High standards for provider network adequacy, including consumer choice of providers and service locations and robust provider participation intended to improve access to underserved populations through participation of essential community providers, family planning providers and pediatric providers;

(6) High standards for covered services, including languages spoken or transportation assistance; and

(7) Coverage of benefits for spiritual care services that are deductible under section 213(d) of the internal revenue code.

Sec. 7. RCW 43.71.075 and 2014 c 220 s 3 are each amended to read as follows:

(1) A person or entity functioning as a navigator ((~~consistent with the requirements of section 1311(i) of P.L. 111-148 of 2010, as amended,~~)) shall not be considered soliciting or negotiating insurance as stated under chapter 48.17 RCW.

(2)(a) A person or entity functioning as a navigator may only request health care information that is relevant to the specific assessment and recommendation of health plan options. Any health care information received by a navigator may not be disclosed to any third party that is not part of the enrollment process and must be destroyed after enrollment has been completed.

(b) If a person's health care information is received and disclosed to a third party in violation of (a) of this subsection, the navigator must notify the person of the breach. The exchange must develop a policy to establish a reasonable notification period and what information must be included in the notice. This policy and information on the exchange's confidentiality policies must be made available on the exchange's web site.

(3) For the purposes of this section((~~,~~)):

(a) "Health care information" has the meaning provided in RCW 70.02.010.

(b) "Navigator" means a person or entity certified by the exchange to provide culturally and linguistically appropriate education and assistance and facilitate enrollment in qualified health plans and federal and state health care programs, in a manner consistent with applicable federal law.

Sec. 8. RCW 43.71.080 and 2016 c 133 s 3 are each amended to read as follows:

(1)(a) Beginning January 1, 2015, the exchange may require each issuer writing premiums for qualified health benefit plans or stand-alone pediatric dental plans offered through the exchange to pay an assessment in an amount necessary to fund the operations of the exchange, applicable to operational costs incurred beginning January 1, 2015.

(b) The assessment is an exchange user fee ((~~as that term is used in 45 C.F.R. 156.80~~)). Assessments of issuers may be made only if the amount of expected premium taxes, as provided under RCW 48.14.0201(5)(b) and 48.14.020(2), and other funds deposited in the health benefit exchange account in the current calendar year (excluding premium taxes on stand-alone family dental plans and the assessment received under subsection (3) of this section applicable to stand-alone family dental plans) are insufficient to fund exchange operations in the following calendar year at the level authorized by the legislature for that purpose in the omnibus appropriations act plus three months of additional operating costs.

(c) ((~~If the exchange is charging an assessment, the exchange shall display the amount of the assessment per member per month for enrollees.~~)) A health benefit plan or stand-alone dental plan may identify the amount of the

assessment to enrollees, but must not bill the enrollee for the amount of the assessment separately from the premium.

(2) The board, in collaboration with the issuers, the health care authority, and the commissioner, must establish a fair and transparent process for calculating the assessment amount. The process must meet the following requirements:

(a) The assessment only applies to issuers that offer coverage in the exchange and only for those market segments offered and must be based on the number of enrollees in qualified health plans and stand-alone dental plans in the exchange for a calendar year;

(b) The assessment must be established on a flat dollar and cents amount per member per month, and the assessment for stand-alone pediatric dental plans must be proportional to the premiums paid for stand-alone dental plans in the exchange;

(c) Issuers must be notified of the assessment amount by the exchange on a timely basis;

(d) An appropriate assessment reconciliation process must be established by the exchange that is administratively efficient;

(e) Issuers must remit the assessment due to the exchange in quarterly installments after receiving notification from the exchange of the due dates of the quarterly installments;

(f) A procedure must be established to allow issuers subject to assessments under this section to have grievances reviewed by an impartial body and reported to the board; and

(g) A procedure for enforcement must be established if an issuer fails to remit its assessment amount to the exchange within ten business days of the quarterly installment due date.

(3)(a) ((~~Beginning January 1, 2017,~~)) The exchange may require each issuer writing premiums for stand-alone family dental plans offered through the exchange to pay an assessment in an amount necessary to fund the operational costs of offering family dental plans in the exchange, applicable to operational costs incurred beginning January 1, 2017.

(b) The assessment is an exchange user fee ((~~as that term is used in 45 C.F.R. Sec. 156.80~~)). Assessments of issuers may be made only if the amount of expected premium tax received from stand-alone family dental plans, as provided under RCW 48.14.0201(5)(b) and 48.14.020(2), in the current year is insufficient to fund the operational costs estimated to be attributable to offering such stand-alone family dental plans in the exchange, including an allocation of costs to proportionately cover overall exchange operational costs, in the following calendar year, plus three months of additional operating costs.

(c) If the exchange is charging an assessment, the exchange shall display the amount of the assessment per member per month for enrollees. A stand-alone family dental plan may identify the amount of the assessment to enrollees, but must not bill the enrollee for the amount of the assessment separately from the premium.

(d) The board, in collaboration with the family dental issuers and the commissioner, must establish a fair and transparent process for calculating the assessment amount, including the allocation of overall exchange operational costs. The process must meet the following requirements:

(i) The assessment only applies to issuers that offer stand-alone family dental plans in the exchange and must be based on the number of enrollees in such plans in the exchange for a calendar year;

(ii) The assessment must be established on a flat dollar and cents amount per member per month;

(iii) The requirements included in subsection (2)(c) through (g) of this section shall apply to the assessment described in this subsection (3).

(e) The board, in collaboration with issuers, shall annually assess the viability of offering stand-alone family dental plans on the exchange.

(4) For purposes of this section:

(a) "Stand-alone family dental plan" means coverage for limited scope dental benefits meeting the requirements of section 9832(c)(2)(A) of the internal revenue code of 1986 and providing pediatric oral services that qualify as coverage for the minimum essential coverage requirement under ((~~P.L. 111-148 (2010), as amended~~)) applicable federal and state law.

(b) "Stand-alone pediatric dental plan" means coverage only for pediatric oral services that qualify as coverage for the minimum essential coverage requirement under ((~~P.L. 111-148 (2010), as amended~~)) applicable federal and state law.

(5) The exchange shall deposit proceeds from the assessments in the health benefit exchange account under RCW 43.71.060.

(6) The assessment described in this section shall be considered a special purpose obligation or assessment in connection with coverage described in this section for the purpose of funding the operations of the exchange, and may not be applied by issuers to vary premium rates at the plan level.

(7) This section does not prohibit an enrollee of a qualified health plan in the exchange from purchasing a plan that offers dental benefits outside the exchange.

(8) This section does not prohibit an issuer from offering a plan that covers dental benefits that do not meet the requirements of a stand-alone family dental plan outside the exchange.

(9) The exchange shall monitor enrollment and provide periodic reports which must be available on its web site.

(10) The board shall offer all qualified health plans through the exchange, and the exchange shall not add criteria for certification of qualified health plans beyond those set out in RCW 43.71.065 without specific statutory direction. Nothing shall be construed to limit duties, obligations, and authority otherwise legislatively delegated or granted to the exchange.

((~~(11) The exchange shall report to the joint select committee on health care oversight on a quarterly basis with an update on budget expenses and operations.~~

~~(12) By July 1, 2016, the state auditor shall conduct a performance review of the cost of exchange operations and shall make recommendations to the board and the health care committees of the legislature addressing improvements in cost performance and adoption of best practices. The auditor shall further evaluate the potential cost and customer service benefits through regionalization with other states of some exchange operation functions or through a partnership with the federal government. The cost of the state auditor review must be borne by the exchange.~~))

Sec. 9. RCW 48.43.039 and 2015 3rd sp.s. c 33 s 4 are each amended to read as follows:

(1) For an enrollee who is in the second or third month of the grace period, an issuer of a qualified health plan shall:

(a) Upon request by a health care provider or health care facility, provide information regarding the enrollee's eligibility status in real-time;

(b) Notify a health care provider or health care facility that an enrollee is in the grace period within three business days after submittal of a claim or status request for services provided; and

(c) If the health care provider or health care facility is providing care to an enrollee in the grace period, the provider or facility shall, wherever possible, encourage the enrollee to pay delinquent premiums to the issuer and provide information regarding the impact of nonpayment of premiums on access to services.

(2) The information or notification required under subsection (1) of this section must, at a minimum:

(a) Indicate "grace period" or use the appropriate national coding standard as the reason for pending the claim if a claim is pended due to the enrollee's grace period status; and

(b) Except for notifications provided electronically, indicate that enrollee is in the second or third month of the grace period.

(3) No earlier than January 1, 2016, and once the exchange has terminated premium aggregation functionality for qualified health plans offered in the individual exchange and issuers are accepting all payments from enrollees directly, an issuer of a qualified health plan shall:

(a) For an enrollee in the grace period, include a statement in a delinquency notice that concisely explains the impact of nonpayment of premiums on access to coverage and health care services and encourages the enrollee to contact the issuer regarding coverage options that may be available; ((~~and~~))

(b) For an enrollee who has exhausted the grace period, include a statement in a termination notice for nonpayment of premium informing the enrollee that other coverage options such as medicaid may be available and to contact the issuer or the exchange for additional information; and

(c) For a delinquency notice described in this subsection, ((~~the issuer shall~~)) include concise information on how a subsidized enrollee may report to the exchange a change in income or circumstances, including any deadline for doing so, and an explanation that it may result in a change in premium or cost-sharing amount or program eligibility.

(4) ((~~By December 1, 2014, and annually each December 1st thereafter, the health benefit exchange shall provide a report to the appropriate committees of the legislature with the following information for the calendar year: (a) The number of exchange enrollees who entered the grace period; (b) the number of enrollees who subsequently paid premium after entering the grace period; (c) the average number of days enrollees were in the grace period prior to paying premium; and (d) the number of enrollees who were in the grace period and whose coverage was terminated due to nonpayment of premium. The report must include as much data as is available for the calendar year.~~

~~(5)~~))) Upon the transfer of premium collection to the qualified health plan, each qualified health plan must provide detailed reports to the exchange to support the legislative reporting requirements.

(((~~(6)~~))) (5) For purposes of this section, "grace period" means nonpayment of premiums by an enrollee receiving advance payments of the premium tax credit, as defined in section 1412 of the patient protection and affordable care act, P.L. 111-148, as amended by the health care and education reconciliation act, P.L. 111-152, and implementing regulations issued by the federal department of health and human services.

NEW SECTION. **Sec. 10.** The following acts or parts of acts are each repealed:

(1) RCW 43.71.035 (Eligibility verification) and 2015 3rd sp.s. c 33 s 2;

(2) RCW 43.71.040 (Authority, joint select committee on health reform, and board—Collaboration—Report—Responsibilities and duties) and 2011 c 317 s 5;

(3) RCW 43.71.050 (Authority—Powers and duties) and 2011 c 317 s 6; and

(4) RCW 43.71.090 (Grace period notice to issuer—Notice to enrollees delinquent on premium payments—Medicaid eligibility checks and outreach) and 2015 3rd sp.s. c 33 s 3 & 2014 c 84 s 1.

Passed by the House February 12, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 45

[House Bill 2582]

DEPARTMENT OF VETERANS AFFAIRS--ADMINISTRATION

AN ACT Relating to the department of veterans affairs; amending RCW 43.60A.050, 72.36.020, 72.36.090, 72.36.100, 72.36.110, and 72.36.150; and reenacting RCW 43.60A.100.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.60A.100 and 2017 c 192 s 2 and 2017 c 185 s 2 are each reenacted to read as follows:

The department of veterans affairs, to the extent funds are made available, shall: (1) Contract with professional counseling specialists to provide a range of direct treatment services to state veterans, including national guard and reservists, with military-related mental health needs, and their family members; (2) provide additional treatment services to Washington state Vietnam veterans for posttraumatic stress disorder, particularly for those veterans whose posttraumatic stress disorder has intensified or initially emerged due to war or combat-related stress; (3) provide an educational program designed to train primary care professionals, such as mental health professionals, about the effects of war-related stress, trauma, and traumatic brain injury; (4) provide informational and counseling services for the purpose of establishing and fostering peer-support networks throughout the state for families of deployed members of the reserves and the Washington national guard; (5) provide for veterans' families, a referral network of community mental health providers who

are skilled in treating deployment stress, combat stress, posttraumatic stress, ((~~and~~)) traumatic brain injury; and (6) offer training and support for volunteers interested in providing peer-to-peer support to other veterans.

Sec. 2. RCW 43.60A.050 and 1975-'76 2nd ex.s. c 115 s 5 are each amended to read as follows:

The director may appoint ((~~such assistants and executive staff~~)) a deputy director and assistant directors as shall be needed to administer the department, all of whom shall be veterans. The ((~~director shall designate a~~)) deputy ((~~from the executive staff who~~)) shall have charge and general supervision of the department in the absence or disability of the director, and in case of a vacancy in the office of director, shall continue in charge of the department until a successor is appointed and qualified, or until the governor shall appoint an acting director.

Sec. 3. RCW 72.36.020 and 2014 c 184 s 2 are each amended to read as follows:

The director of the department of veterans affairs shall appoint ((~~a superintendent~~)) an administrator for each state veterans' home. The ((~~superintendent~~)) administrator shall exercise management and control of the institution in accordance with either policies or procedures promulgated by the director of the department of veterans affairs, or both, and rules of the department. In accordance with chapter 18.52 RCW, the individual appointed as ((~~superintendent for either~~)) administrator for a state veterans' home shall be a licensed nursing home administrator and the agency shall provide preference to honorably discharged veterans in accordance with RCW 73.16.010.

Sec. 4. RCW 72.36.090 and 2001 2nd sp.s. c 4 s 8 are each amended to read as follows:

The ((~~superintendents~~)) administrators of the state veterans' homes are hereby authorized to:

(1) Institute programs of hobby promotion designed to improve the general welfare and mental condition of the persons under their supervision;

(2) Provide for the financing of these programs by grants from funds in the ((~~superintendent's~~)) administrator's custody through operation of canteens and exchanges at such institutions;

(3) Limit the hobbies sponsored to projects which will, in their judgment, be self-liquidating or self-sustaining.

Sec. 5. RCW 72.36.100 and 1959 c 28 s 72.36.100 are each amended to read as follows:

The ((~~superintendent~~)) administrator of each institution referred to in RCW 72.36.090 may purchase, from the appropriation to the institution, for operations, equipment or materials designed to initiate the programs authorized by RCW 72.36.090.

Sec. 6. RCW 72.36.110 and 2008 c 6 s 507 are each amended to read as follows:

The ((~~superintendent~~)) administrator of the Washington veterans' home and the ((~~superintendent~~)) administrator of the Washington soldiers' home and colony are hereby authorized to provide for the burial of deceased members in the cemeteries provided at the Washington veterans' home and Washington soldiers' home: PROVIDED, That this section shall not be construed to prevent

any relative from assuming jurisdiction of such deceased persons: PROVIDED FURTHER, That the ((~~superintendent~~)) administrator of the Washington soldiers' home and colony is hereby authorized to provide for the burial of spouses or domestic partners of members of the colony of the Washington soldiers' home.

Sec. 7. RCW 72.36.150 and 1993 sp.s. c 3 s 3 are each amended to read as follows:

The department of veterans affairs shall provide by rule for the annual election of a resident council for each state veterans' home. The council shall annually elect a chair from among its members, who shall call and preside at council meetings. The resident council shall serve in an advisory capacity to the director of the department of veterans affairs and to the ((~~superintendent~~)) administrator in all matters related to policy and operational decisions affecting resident care and life in the home.

By October 31, 1993, the department shall adopt rules that provide for specific duties and procedures of the resident council which create an appropriate and effective relationship between residents and the administration. These rules shall be adopted after consultation with the resident councils and the state long-term care ombuds, and shall include, but not be limited to the following:

(1) Provision of staff technical assistance to the councils;

(2) Provision of an active role for residents in developing choices regarding activities, foods, living arrangements, personal care, and other aspects of resident life;

(3) A procedure for resolving resident grievances; and

(4) The role of the councils in assuring that resident rights are observed.

The development of these rules should include consultation with all residents through the use of both questionnaires and group discussions.

The resident council for each state veterans' home shall annually review the proposed expenditures from the benefit fund that shall contain all private donations to the home, all bequeaths, and gifts. Disbursements from each benefit fund shall be for the benefit and welfare of the residents of the state veterans' homes. Disbursements from the benefits funds shall be on the authorization of the ((~~superintendent~~)) administrator or ((~~his or her~~)) the administrator's authorized representative after approval has been received from the home's resident council.

The ((~~superintendent~~)) administrator or ((~~his or her~~)) the administrator's designated representative shall meet with the resident council at least monthly. The director of the department of veterans affairs shall meet with each resident council at least three times each year.

Passed by the House February 7, 2018.

Passed by the Senate February 27, 2018.

Approved by the Governor March 13, 2018.

Filed in Office of Secretary of State March 13, 2018.

CHAPTER 46

[Substitute House Bill 2597]

SENIOR CITIZENS AND DISABLED PERSONS--PROPERTY TAX EXEMPTION--LOCAL PROPERTY TAXES

AN ACT Relating to extending the existing state property tax exemption for residences of senior citizens and disabled persons to local regular property taxes; amending RCW 84.36.381 and 84.55.050; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** It is the intent of the legislature that the property tax exemption for the owner occupied residences of low-income seniors, disabled veterans, and other people who are disabled applies to any additional local regular property taxes imposed by a city or county that has also approved such an action by identifying the tax exemption in the ballot measure placed before the voters.

Sec. 2. RCW 84.36.381 and 2017 3rd sp.s. c 13 s 311 are each amended to read as follows:

A person is exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of the time of filing. However, any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant may receive an exemption on more than one residence in any year. Moreover, confinement of the person to a hospital, nursing home, assisted living facility, or adult family home does not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied;

(b) The residence is occupied by a spouse or a domestic partner and/or a person financially dependent on the claimant for support; or

(c) The residence is rented for the purpose of paying nursing home, hospital, assisted living facility, or adult family home costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or state registered domestic partnership or owned by cotenants is deemed to be owned by each spouse or each domestic partner or each cotenant, and any lease for life is deemed a life estate;

(3)(a) The person claiming the exemption must be:

(i) Sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of disability; or

(ii) A veteran of the armed forces of the United States entitled to and receiving compensation from the United States department of veterans affairs at a total disability rating for a service-connected disability.

(b) However, any surviving spouse or surviving domestic partner of a person who was receiving an exemption at the time of the person's death will qualify if the surviving spouse or surviving domestic partner is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person is exempt from an obligation to pay is calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the assessment year, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the assessment year by reason of the death of the person's spouse or the person's domestic partner, or when other substantial changes occur in disposable income that are likely to continue for an indefinite period of time, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person after such occurrences by twelve. If it is necessary to estimate income to comply with this subsection, the assessor may require confirming documentation of such income prior to May 31 of the year following application;

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of forty thousand dollars or less is exempt from all excess property taxes ((~~and~~)), the additional state property tax imposed under RCW 84.52.065(2), and the portion of the regular property taxes authorized pursuant to RCW 84.55.050 and approved by the voters, if the legislative authority of the county or city imposing the additional regular property taxes identified this exemption in the ordinance placing the RCW 84.55.050 measure on the ballot; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of thirty-five thousand dollars or less but greater than thirty thousand dollars is exempt from all regular property taxes on the greater of fifty thousand dollars or thirty-five percent of the valuation of his or her residence, but not to exceed seventy thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of thirty thousand dollars or less is exempt from all regular property taxes on the greater of sixty thousand dollars or sixty percent of the valuation of his or her residence;

(6)(a) For a person who otherwise qualifies under this section and has a combined disposable income of forty thousand dollars or less, the valuation of the residence is the assessed value of the residence on the later of January 1, 1995, or January 1st of the assessment year the person first qualifies under this section. If the person subsequently fails to qualify under this section only for one year because of high income, this same valuation must be used upon requalification. If the person fails to qualify for more than one year in succession because of high income or fails to qualify for any other reason, the valuation upon requalification is the assessed value on January 1st of the assessment year

in which the person requalifies. If the person transfers the exemption under this section to a different residence, the valuation of the different residence is the assessed value of the different residence on January 1st of the assessment year in which the person transfers the exemption.

(b) In no event may the valuation under this subsection be greater than the true and fair value of the residence on January 1st of the assessment year.

(c) This subsection does not apply to subsequent improvements to the property in the year in which the improvements are made. Subsequent improvements to the property must be added to the value otherwise determined under this subsection at their true and fair value in the year in which they are made.

Sec. 3. RCW 84.55.050 and 2017 c 296 s 2 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection (2) of this section. The ballot of the proposition shall state the dollar rate proposed and shall clearly state the conditions, if any, which are applicable under subsection (4) of this section.

(2)(a) Subject to statutory dollar limitations, a proposition placed before the voters under this section may authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years. Elections for this purpose must be held at a primary or general election. The title of each ballot measure must state the limited purposes for which the proposed annual increases during the specified period of up to six consecutive years shall be used.

(b)(i) Except as otherwise provided in this subsection (2)(b), funds raised by a levy under this subsection may not supplant existing funds used for the limited purpose specified in the ballot title. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the taxing district receiving the services, and major nonrecurring capital expenditures.

(ii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar years 2009, 2010, and 2011, in any county with a population of one million five hundred thousand or more. This

subsection (2)(b)(ii) only applies to levies approved by the voters after July 26, 2009.

(iii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar year 2009 and thereafter in any county with a population less than one million five hundred thousand. This subsection (2)(b)(iii) only applies to levies approved by the voters after July 26, 2009.

(3) After a levy authorized pursuant to this section is made, the dollar amount of such levy may not be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, unless the ballot proposition expressly states that the levy made under this section will be used for this purpose.

(4) If expressly stated, a proposition placed before the voters under subsection (1) or (2) of this section may:

(a) Use the dollar amount of a levy under subsection (1) of this section, or the dollar amount of the final levy under subsection (2) of this section, for the purpose of computing the limitations for subsequent levies provided for in this chapter;

(b) Limit the period for which the increased levy is to be made under (a) of this subsection;

(c) Limit the purpose for which the increased levy is to be made under (a) of this subsection, but if the limited purpose includes making redemption payments on bonds;

(i) For the county in which the state capitol is located, the period for which the increased levies are made may not exceed twenty-five years; and

(ii) For districts other than a district under (c)(i) of this subsection, the period for which the increased levies are made may not exceed nine years;

(d) Set the levy or levies at a rate less than the maximum rate allowed for the district; ((~~or~~))

(e) Provide that the exemption authorized by RCW 84.36.381 will apply to the levy of any additional regular property taxes authorized by voters; or

(f) Include any combination of the conditions in this subsection.

(5) Except as otherwise expressly stated in an approved ballot measure under this section, subsequent levies shall be computed as if:

(a) The proposition under this section had not been approved; and

(b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the proposition.

Passed by the House February 14, 2018.

Passed by the Senate March 1, 2018.

Approved by the Governor March 13, 2018.

Filed in Office of Secretary of State March 13, 2018.

CHAPTER 47

[House Bill 2661]

EMPLOYMENT DISCRIMINATION--DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

AN ACT Relating to protecting survivors of domestic violence, sexual assault, and stalking from employment discrimination; amending RCW 49.76.010, 49.76.040, 49.76.060, 49.76.100, and 49.76.120; and adding a new section to chapter 49.76 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 49.76.010 and 2008 c 286 s 1 are each amended to read as follows:

(1) It is in the public interest to reduce domestic violence, sexual assault, and stalking by enabling victims to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize physical and emotional injuries, and to reduce the devastating economic consequences of domestic violence, sexual assault, and stalking to employers and employees. Victims of domestic violence, sexual assault, and stalking should be able to recover from and cope with the effects of such violence and participate in criminal and civil justice processes without fear of adverse economic consequences. Victims of domestic violence, sexual assault, or stalking should also be able to seek and maintain employment without fear that they will face discrimination.

(2) One of the best predictors of whether a victim of domestic violence, sexual assault, or stalking will be able to stay away from an abuser is his or her degree of economic independence. However, domestic violence, sexual assault, and stalking often negatively impact victims' ability to maintain employment.

(3) An employee who is a victim of domestic violence, sexual assault, or stalking, or an employee whose family member is a victim, must often take leave from work due to injuries, court proceedings, or safety concerns requiring legal protection.

(4) Thus, it is in the public interest to provide reasonable leave from employment for employees who are victims of domestic violence, sexual assault, or stalking, or for employees whose family members are victims, to participate in legal proceedings, receive medical treatment, or obtain other necessary services.

(5) It is also in the public interest to ensure that victims of domestic violence, sexual assault, or stalking are able to seek and maintain employment without fear of discrimination and to have reasonable safety accommodations in the workplace.

NEW SECTION. **Sec. 2.** A new section is added to chapter 49.76 RCW to read as follows:

An employer may not:

(1) Refuse to hire an otherwise qualified individual because the individual is an actual or perceived victim of domestic violence, sexual assault, or stalking;

(2) Discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an individual with regard to promotion, compensation, or other terms, conditions, or privileges of employment because the individual is an actual or perceived victim of domestic violence, sexual assault, or stalking;

(3) Refuse to make a reasonable safety accommodation requested by an individual who is a victim of domestic violence, sexual assault, or stalking, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the employer. For the purposes of this section, an "undue hardship" means an action requiring significant difficulty or expense. A reasonable safety accommodation may include, but is not limited to, a transfer, reassignment, modified schedule, changed work telephone number, changed work email address, changed workstation, installed lock, implemented safety procedure, or any other adjustment to a job structure, workplace facility, or work requirement in response to actual or threatened domestic violence, sexual assault, or stalking.

Sec. 3. RCW 49.76.040 and 2008 c 286 s 4 are each amended to read as follows:

(1) As a condition of taking leave for any purpose described in RCW 49.76.030, an employee shall give an employer advance notice of the employee's intention to take leave. The timing of the notice shall be consistent with the employer's stated policy for requesting such leave, if the employer has such a policy. When advance notice cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, the employee or his or her designee must give notice to the employer no later than the end of the first day that the employee takes such leave.

(2) When an employee requests leave under RCW 49.76.030 or requests a reasonable safety accommodation under section 2 of this act the employer may require that the request be supported by verification that:

(a) The employee or employee's family member is a victim of domestic violence, sexual assault, or stalking; and

(b) The leave taken was for one of the purposes described in RCW 49.76.030 or that the safety accommodation requested under section 2 of this act is for the purpose of protecting the employee from domestic violence, sexual assault, or stalking.

(3) If an employer requires verification, verification must be provided in a timely manner. In the event that advance notice of the leave cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, and the employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave.

(4) An employee may satisfy the verification requirement of this section by providing the employer with one or more of the following:

(a) A police report indicating that the employee or employee's family member was a victim of domestic violence, sexual assault, or stalking;

(b) A court order protecting or separating the employee or employee's family member from the perpetrator of the act of domestic violence, sexual assault, or stalking, or other evidence from the court or the prosecuting attorney that the employee or employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking;

(c) Documentation that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking, from any of the following persons from whom the employee or employee's family member

sought assistance in addressing the domestic violence, sexual assault, or stalking: An advocate for victims of domestic violence, sexual assault, or stalking; an attorney; a member of the clergy; or a medical or other professional. The provision of documentation under this section does not waive or diminish the confidential or privileged nature of communications between a victim of domestic violence, sexual assault, or stalking with one or more of the individuals named in this subsection (4)(c) pursuant to RCW 5.60.060, 70.123.075, 70.123.076, or 70.125.065; or

(d) An employee's written statement that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes described in RCW 49.76.030 or the safety accommodation requested pursuant to section 2 of this act is to protect the employee from domestic violence, sexual assault, or stalking.

(5) If the victim of domestic violence, sexual assault, or stalking is the employee's family member, verification of the familial relationship between the employee and the victim may include, but is not limited to, a statement from the employee, a birth certificate, a court document, or other similar documentation.

(6) An employee who is absent from work pursuant to RCW 49.76.030 may elect to use the employee's sick leave and other paid time off, compensatory time, or unpaid leave time.

(7) An employee is required to provide only the information enumerated in subsection (2) of this section to establish that the employee's leave is protected under this chapter or to establish that the employee's request for a safety accommodation is protected under this chapter. An employee is not required to produce or discuss any information with the employer that is beyond the scope of subsection (2) of this section, or that would compromise the employee's safety or the safety of the employee's family member in any way, and an employer is prohibited from requiring any such disclosure.

(8)(a) Except as provided in (b) of this subsection, an employer shall maintain the confidentiality of all information provided by the employee under this section, including the fact that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking, that the employee has requested or obtained leave under this chapter, and any written or oral statement, documentation, record, or corroborating evidence provided by the employee.

(b) Information given by an employee may be disclosed by an employer only if:

(i) Requested or consented to by the employee;

(ii) Ordered by a court or administrative agency; or

(iii) Otherwise required by applicable federal or state law.

Sec. 4. RCW 49.76.060 and 2008 c 286 s 6 are each amended to read as follows:

(1) The rights provided in this chapter ((~~286, Laws of 2008~~)) are in addition to any other rights provided by state and federal law.

(2) Nothing in this chapter shall be construed to discourage employers from adopting policies that provide greater leave rights or greater safety accommodations to employees who are victims of domestic violence, sexual assault, or stalking than those required by this chapter ((~~286, Laws of 2008~~)).

(3) Nothing in this chapter ((~~286, Laws of 2008~~)) shall be construed to diminish an employer's obligation to comply with any collective bargaining

agreement, or any employment benefit program or plan, that provides greater leave rights or greater safety accommodations to employees than the rights provided by this chapter ((~~286, Laws of 2008~~)).

Sec. 5. RCW 49.76.100 and 2008 c 286 s 12 are each amended to read as follows:

(1) Any employee or applicant for employment deeming herself or himself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees.

(2) The remedy provided by this section is in addition to any common law remedy or other remedy that may be available to an employee.

(3) An employee is not required to exhaust administrative remedies before filing a civil action to enforce this chapter.

Sec. 6. RCW 49.76.120 and 2008 c 286 s 11 are each amended to read as follows:

No employer may discharge, threaten to discharge, demote, deny a promotion to, sanction, discipline, retaliate against, harass, or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee:

(1) Exercised rights under RCW 49.76.030 or section 2 of this act;

(2) Filed or communicated to the employer an intent to file a complaint under RCW 49.76.070 or 49.76.100; or

(3) Participated or assisted, as a witness or otherwise, in another employee's attempt to exercise rights under RCW 49.76.030, section 2 of this act, 49.76.070, or 49.76.100.

Passed by the House February 7, 2018.
Passed by the Senate February 28, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 48

[Substitute House Bill 2667]

ESSENTIAL NEEDS AND HOUSING SUPPORT PROGRAM--AGED, BLIND, OR DISABLED ASSISTANCE PROGRAM--ELIGIBILITY

AN ACT Relating to improving housing stability for people with disabilities and seniors by amending eligibility for the essential needs and housing support and the aged, blind, or disabled assistance programs; amending RCW 74.04.805, 74.62.030, and 43.185C.230; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 74.04.805 and 2013 2nd sp.s. c 10 s 3 are each amended to read as follows:

(1) The department is responsible for determining eligibility for referral for essential needs and housing support under RCW 43.185C.220. Persons eligible are persons who:

(a) Are incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days. The

standard for incapacity in this subsection, as evidenced by the ninety-day duration standard, is not intended to be as stringent as federal supplemental security income disability standards;

(b) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law;

(c) Have furnished the department their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number must be made prior to authorization of benefits, and the social security number must be provided to the department upon receipt;

(d) Have countable income as described in RCW 74.04.005 at or below four hundred twenty-eight dollars for a married couple or at or below three hundred thirty-nine dollars for a single individual;

(e) Do not have countable resources in excess of those described in RCW 74.04.005; and

(f) Are not eligible for:

(i) ((~~The aged, blind, or disabled assistance program;~~

~~(ii)~~)) The pregnant women assistance program; or

(((~~(iii)~~))) (ii) Federal aid assistance, other than basic food benefits transferred electronically and medical assistance.

(2) Recipients of aged, blind, or disabled assistance program benefits who meet other eligibility requirements in this section are eligible for a referral for essential needs and housing support services within funds appropriated for the department of commerce.

(3) The following persons are not eligible for a referral for essential needs and housing support:

(a) ((~~Persons who are unemployable due primarily to alcohol or drug addiction, except as provided in subsection (3) of this subsection. These persons must be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals must be made at the time of application or at the time of eligibility review. This subsection may not be construed to prohibit the department from making a referral for essential needs and housing report for persons who have a substance abuse addiction who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for a referral for essential needs and housing support;~~

~~(b)~~)) Persons who refuse or fail to cooperate in obtaining federal aid assistance, without good cause;

(((~~(c)~~))) (b) Persons who refuse or fail without good cause to participate in drug or alcohol treatment if an assessment by a certified chemical dependency counselor indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in drug or alcohol dependency treatment, when needed outpatient drug or alcohol treatment is not available to the person in the county of his or her residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(((~~(d)~~))) (c) Persons who are fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the

person flees; or who are violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

((~~(3)~~)) (4) For purposes of determining whether a person is incapacitated from gainful employment under subsection (1) of this section:

(a) The department shall adopt by rule medical criteria for incapacity determinations to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information; and

(b) The process implementing the medical criteria must involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

((~~(4)~~)) (5) For purposes of reviewing a person's continuing eligibility and in order to remain eligible for the program, persons who have been found to have an incapacity from gainful employment must demonstrate that there has been no material improvement in their medical or mental health condition. The department may discontinue benefits when there was specific error in the prior determination that found the person eligible by reason of incapacitation.

((~~(5)~~)) (6) The department must review the cases of all persons who have received benefits under the essential needs and housing support program for twelve consecutive months, and at least annually after the first review, to determine whether they are eligible for the aged, blind, or disabled assistance program.

Sec. 2. RCW 74.62.030 and 2013 2nd sp.s. c 10 s 2 are each amended to read as follows:

(1)(a) ((~~Effective November 1, 2011,~~)) The aged, blind, or disabled assistance program shall provide financial grants to persons in need who:

(i) Are not eligible to receive federal aid assistance, other than basic food benefits transferred electronically and medical assistance;

(ii) Meet the eligibility requirements of subsection (3) of this section; and

(iii) Are aged, blind, or disabled. For purposes of determining eligibility for assistance for the aged, blind, or disabled assistance program, the following definitions apply:

(A) "Aged" means age sixty-five or older.

(B) "Blind" means statutorily blind as defined for the purpose of determining eligibility for the federal supplemental security income program.

(C) "Disabled" means likely to meet the federal supplemental security income disability standard. In making this determination, the department should give full consideration to the cumulative impact of an applicant's multiple impairments, an applicant's age, and vocational and educational history.

In determining whether a person is disabled, the department may rely on, but is not limited to, the following:

(I) A previous disability determination by the social security administration or the disability determination service entity within the department; or

(II) A determination that an individual is eligible to receive optional categorically needy medicaid as a disabled person under the federal regulations at 42 C.F.R. Parts 435, Secs. 201(a)(3) and 210.

(b) The following persons are not eligible for the aged, blind, or disabled assistance program:

(i) Persons who are not able to engage in gainful employment due primarily to alcohol or drug addiction. These persons shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. This subsection may not be construed to prohibit the department from granting aged, blind, or disabled assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the aged, blind, or disabled assistance program; or

(ii) Persons for whom there has been a final determination of ineligibility for federal supplemental security income benefits.

(c) Persons may receive aged, blind, or disabled assistance benefits and essential needs and housing program support under RCW 43.185C.220 concurrently while pending application for federal supplemental security income benefits. The monetary value of any aged, blind, or disabled assistance benefit that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(2) ((~~Effective November 1, 2011,~~)) The pregnant women assistance program shall provide financial grants to persons who:

(a) Are not eligible to receive federal aid assistance other than basic food benefits or medical assistance; and

(b) Are pregnant and in need, based upon the current income and resource standards of the federal temporary assistance for needy families program, but are ineligible for federal temporary assistance for needy families benefits for a reason other than failure to cooperate in program requirements; and

(c) Meet the eligibility requirements of subsection (3) of this section.

(3) To be eligible for the aged, blind, or disabled assistance program under subsection (1) of this section or the pregnant women assistance program under subsection (2) of this section, a person must:

(a) Be a citizen or alien lawfully admitted for permanent residence or otherwise residing in the United States under color of law;

(b) Meet the income and resource standards described in RCW 74.04.805(1) (d) and (e);

(c) Have furnished the department his or her social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of benefits, and the social security number shall be provided to the department upon receipt;

(d) Not have refused or failed without good cause to participate in drug or alcohol treatment if an assessment by a certified chemical dependency counselor indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in drug or alcohol dependency treatment, when needed outpatient drug or alcohol treatment is not available to the person in the county of his or her residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(e) Not have refused or failed to cooperate in obtaining federal aid assistance, without good cause.

(4) ((~~Effective November 1, 2011,~~)) Referrals for essential needs and housing support under RCW 43.185C.220 shall be provided to persons found eligible under RCW 74.04.805.

(5) No person may be considered an eligible individual for benefits under this section with respect to any month if during that month the person:

(a) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

(b) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(6) The department must share client data for individuals eligible for essential needs and housing support with the department of commerce and designated essential needs and housing support entities as required under RCW 43.185C.230.

Sec. 3. RCW 43.185C.230 and 2013 2nd sp.s. c 10 s 5 are each amended to read as follows:

The department, in collaboration with the department of social and health services, shall:

(1) Develop a mechanism through which the department and local governments or community-based organizations can verify a person has been determined eligible by the department of social and health services and remains eligible for the essential needs and housing support program; and

(2) Provide a secure and current list of individuals eligible for the essential needs and housing support program to designated entities within each county. The list must be updated at least monthly and include, as available and applicable, the eligible individual's:

(a) Name;

(b) Address;

(c) Phone number;

(d) Shelter location; and

(e) Case manager contact information.

NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

Passed by the House March 5, 2018.
Passed by the Senate March 2, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 49

[Substitute House Bill 2696]

COMMERCIAL DRIVERS--MEDICAL CERTIFICATE

AN ACT Relating to medical certificate requirements for applicants and holders of commercial drivers' licenses and commercial learners' permits; amending RCW 46.25.055,

46.25.057, and 46.25.075; reenacting and amending RCW 46.25.010; prescribing penalties; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 46.25.055 and 2003 c 195 s 3 are each amended to read as follows:

Except as provided in 49 C.F.R. Sec. 391.67 as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, a person may not drive a commercial motor vehicle unless he or she is physically qualified to do so and((~~, except as provided in 49 C.F.R. Sec. 391.67, has on his or her person the original, or a photographic copy, of a medical examiner's certificate that he or she is physically qualified to drive a commercial motor vehicle~~)) is medically examined and certified in accordance with procedures provided in 49 C.F.R. Sec. 391.43 as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

Sec. 2. RCW 46.25.057 and 2003 c 195 s 4 are each amended to read as follows:

(1) It is a traffic infraction for a licensee under this chapter to drive a commercial vehicle ((~~without having on his or her person the original, or a photographic copy, of a medical examiner's certificate that he or she is physically qualified to drive a commercial motor vehicle~~)) while downgraded for not maintaining a current medical certificate with the department.

(2) A person who violates this section is subject to a penalty of two hundred fifty dollars. If the person appears in person before the court or submits by mail written proof that he or she had, at the time the infraction took place, the medical examiner's certificate, the court shall reduce the penalty to fifty dollars.

Sec. 3. RCW 46.25.075 and 2013 c 224 s 8 are each amended to read as follows:

(1) Any person applying for a CDL or CLP must certify that he or she is or expects to be engaged in one of the following types of driving:

(a) Nonexcepted interstate;

(b) Excepted interstate;

(c) Nonexcepted intrastate; or

(d) Excepted intrastate.

(2) A CDL or CLP applicant or holder who certifies under subsection (1)(a), (b), or (c) of this section that he or she is or expects to be engaged in nonexcepted interstate, excepted interstate, or nonexcepted intrastate commerce must provide a copy of a medical examiner's certificate prepared by a medical examiner, as defined in 49 C.F.R. Sec. 390.5 as it existed on ((~~July 8, 2014~~)) the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. ((~~Upon submission, a copy of the medical examiner's certificate must be date-stamped by the department.~~)) A CDL or CLP holder who certifies under subsection (1)(a), (b), or (c) of this section must ((~~submit~~)) provide a copy of each subsequently issued medical examiner's certificate.

(3) For each operator of a commercial motor vehicle required to have a CDL or CLP, the department must meet the following requirements:

(a)(i) The driver's self-certification of type of driving under subsection (1) of this section must be maintained on the driver's record and the CDLIS driver record;

(ii) The copy of a medical examiner's certificate, when ((~~submitted~~)) provided under subsection (2) of this section, must be retained for three years beyond the date the certificate was issued; and

(iii) When a medical examiner's certificate is ((~~submitted~~)) provided under subsection (2) of this section, the information required under 49 C.F.R. Sec. 383.73 as it existed on ((~~July 8, 2014~~)) the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section must be posted to the CDLIS driver record within ten calendar days from the date ((~~submitted~~)) provided. The indicator of medical certification status, such as "certified" or "not-certified," must be maintained on the driver's record.

(b) Within ten calendar days of the driver's medical certification status expiring or a medical variance expiring or being rescinded, the medical certification status of the driver must be updated to "not-certified."

(c) Within ten calendar days of receiving information from the federal motor carrier safety administration or the department regarding issuance or renewal of a medical variance for a driver, the department must update the CDLIS driver record to include the medical variance information.

(4) Upon receiving an electronic copy of the medical examiner's certificate from the federal motor carrier safety administration, the department must post a medical qualification status of "certified" on the CDLIS driver record for the driver.

(5)(a) If a driver's medical certification or medical variance expires, or the federal motor carrier safety administration or issuing medical examiner notifies the department that a medical variance was removed or rescinded, the department must:

(i) Notify the driver of his or her "not-certified" medical certification status and that the privilege of operating a commercial motor vehicle will be removed from the CDL or CLP unless the driver ((~~submits~~)) provides a current medical certificate or medical variance, or changes his or her self-certification to driving ((~~only~~)) in excepted ((~~or~~)) intrastate commerce; and

(ii) Initiate procedures for downgrading the CDL or CLP. The CDL or CLP downgrade must be completed and recorded within sixty days of the driver's medical certification status becoming "not-certified" to operate a commercial motor vehicle.

(b) If a driver fails to provide the department with the certification required in subsection (1) of this section, or a current medical examiner's certificate if the driver self-certifies under subsection (1)(a), (b), or (c) of this section that he or she is operating in nonexcepted interstate, excepted interstate, or nonexcepted intrastate commerce as required in subsection (2) of this section, the department must mark the CDLIS driver record as "not-certified" and initiate a CDL or CLP downgrade in accordance with (a)(ii) of this subsection.

(c) A driver whose CDL or CLP has been downgraded under this subsection may restore the CDL or CLP privilege by providing the necessary certifications or medical variance information to the department.

Sec. 4. RCW 46.25.010 and 2017 c 334 s 4 and 2017 c 194 s 1 are each reenacted and amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Alcohol" means any substance containing any form of alcohol, including but not limited to ethanol, methanol, propanol, and isopropanol.

(2) "Alcohol concentration" means:

(a) The number of grams of alcohol per one hundred milliliters of blood; or

(b) The number of grams of alcohol per two hundred ten liters of breath.

(3) "Commercial driver's license" (CDL) means a license issued to an individual under chapter 46.20 RCW that has been endorsed in accordance with the requirements of this chapter to authorize the individual to drive a class of commercial motor vehicle.

(4) The "commercial driver's license information system" (CDLIS) is the information system established pursuant to 49 U.S.C. Sec. 31309 to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

(5) "Commercial learner's permit" (CLP) means a permit issued under RCW 46.25.052 for the purposes of behind-the-wheel training.

(6) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(a) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of any towed unit or units with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds or more), whichever is greater; or

(b) Has a gross vehicle weight rating or gross vehicle weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater; or

(c) Is designed to transport sixteen or more passengers, including the driver; or

(d) Is of any size and is used in the transportation of hazardous materials as defined in this section; or

(e) Is a school bus regardless of weight or size.

(7) "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, entry into a deferred prosecution program under chapter 10.05 RCW, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(8) "Disqualification" means a prohibition against driving a commercial motor vehicle.

(9) "Drive" means to drive, operate, or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and 46.25.120, "drive" includes operation or physical control of a motor vehicle anywhere in the state.

(10) "Drugs" are those substances as defined by RCW 69.04.009, including, but not limited to, those substances defined by 49 C.F.R. Sec. 40.3.

(11) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle.

(12) "Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the maximum loaded weight of a single vehicle. The GVWR of a combination or articulated vehicle, commonly referred to as the "gross combined weight rating" or GCWR, is the GVWR of the power unit plus the GVWR of the towed unit or units. If the GVWR of any unit cannot be determined, the actual gross weight will be used. If a vehicle with a GVWR of less than 11,794 kilograms (26,001 pounds or less) has been structurally modified to carry a heavier load, then the actual gross weight capacity of the modified vehicle, as determined by RCW 46.44.041 and 46.44.042, will be used as the GVWR.

(13) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. Sec. 5103 and is required to be placarded under subpart F of 49 C.F.R. Part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. Part 73.

(14) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, or any other vehicle required to be registered under the laws of this state, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

(15)(a) "Nondomiciled CLP or CDL" means a permit or license, respectively, issued under RCW 46.25.054 to a person who meets one of the following criteria:

(i) Is domiciled in a foreign country as provided in 49 C.F.R. Sec. 383.23(b)(1) as it existed on October 1, 2017, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section; or

(ii) Is domiciled in another state as provided in 49 C.F.R. Sec. 383.23(b)(2) as it existed on October 1, 2017, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(b) The definition in this subsection (15) applies exclusively to the use of the term in this chapter and is not to be applied in any other chapter of the Revised Code of Washington.

(16) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation is out-of-service pursuant to 49 C.F.R. Secs. 386.72, 392.5, 395.13, 396.9, or compatible laws, or the North American uniform out-of-service criteria.

(17) "Positive alcohol confirmation test" means an alcohol confirmation test that:

(a) Has been conducted by a breath alcohol technician under 49 C.F.R. Part 40; and

(b) Indicates an alcohol concentration of 0.04 or more.

A report that a person has refused an alcohol test, under circumstances that constitute the refusal of an alcohol test under 49 C.F.R. Part 40, will be considered equivalent to a report of a positive alcohol confirmation test for the purposes of this chapter.

(18) "School bus" means a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier.

(19) "Serious traffic violation" means:

(a) Excessive speeding, defined as fifteen miles per hour or more in excess of the posted limit;

(b) Reckless driving, as defined under state or local law;

(c) Driving while using a personal electronic device, defined as a violation of RCW 46.61.672, which includes in the activities it prohibits driving while holding a personal electronic device in either or both hands and using a hand or finger for texting, or an equivalent administrative rule or local law, ordinance, rule, or resolution;

(d) A violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person;

(e) Driving a commercial motor vehicle without obtaining a commercial driver's license;

(f) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession; however, any individual who provides proof to the court by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid CDL on the date the citation was issued, is not guilty of a "serious traffic violation";

(g) Driving a commercial motor vehicle without the proper class of commercial driver's license endorsement or endorsements for the specific vehicle group being operated or for the passenger or type of cargo being transported; and

(h) Any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, that the department determines by rule to be serious.

(20) "State" means a state of the United States and the District of Columbia.

(21) "Substance abuse professional" means an alcohol and drug specialist meeting the credentials, knowledge, training, and continuing education requirements of 49 C.F.R. Sec. 40.281.

(22) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

(23) "Type of driving" means one of the following:

(a) "Nonexcepted interstate," which means the CDL or CLP holder or applicant operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 C.F.R. Part 391 as it existed on ((~~July 8, 2014~~)) the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and is required to obtain a medical examiner's certificate under 49

C.F.R. Sec. 391.45 as it existed on ((~~July 8, 2014~~)) the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section;

(b) "Excepted interstate," which means the CDL or CLP holder or applicant operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 C.F.R. Secs. 390.3(f), 391.2, 391.68, or 398.3, as they existed on ((~~July 8, 2014~~)) the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, from all or parts of the qualification requirements of 49 C.F.R. Part 391 as it existed on ((~~July 8, 2014~~)) the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and is ((~~therefore not~~)) required to obtain a medical examiner's certificate ((~~under~~)) in accordance with procedures provided in 49 C.F.R. Sec. 391.45 as it existed on ((~~July 8, 2014~~)) the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section;

(c) "Nonexcepted intrastate," which means the CDL or CLP holder or applicant operates only in intrastate commerce and is ((~~therefore subject to state driver qualification requirements~~)) required to obtain a medical examiner's certificate in accordance with procedures provided in 49 C.F.R. Sec. 391.45 as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section; or

(d) "Excepted intrastate," which means the CDL or CLP holder ((~~or applicant operates in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements~~)) wishes to maintain a CDL or CLP but not operate a commercial motor vehicle without changing his or her self-certification type.

(24) "United States" means the fifty states and the District of Columbia.

(25) "Verified positive drug test" means a drug test result or validity testing result from a laboratory certified under the authority of the federal department of health and human services that:

(a) Indicates a drug concentration at or above the cutoff concentration established under 49 C.F.R. Sec. 40.87; and

(b) Has undergone review and final determination by a medical review officer.

A report that a person has refused a drug test, under circumstances that constitute the refusal of a federal department of transportation drug test under 49 C.F.R. Part 40, will be considered equivalent to a report of a verified positive drug test for the purposes of this chapter.

NEW SECTION. **Sec. 5.** This act takes effect April 30, 2019.

Passed by the House February 13, 2018.

Passed by the Senate March 2, 2018.

Approved by the Governor March 13, 2018.

Filed in Office of Secretary of State March 13, 2018.

CHAPTER 50

[Substitute House Bill 2752]

SEARCH WARRANTS--DISTRICT AND MUNICIPAL COURT JUDGES--JURISDICTION

AN ACT Relating to issuance of search warrants by district and municipal court judges; and amending RCW 2.20.030.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 2.20.030 and 2014 c 93 s 2 are each amended to read as follows:

Any district or municipal court judge, in the county in which the offense is alleged to have occurred, may issue a search warrant for any person or evidence located anywhere within the state. If the jurisdiction of a district or municipal court encompasses all or part of more than one county, a judge for that district or municipal court may issue a search warrant for any person or evidence located anywhere within the state as long as the county in which the offense is alleged to have occurred is one of the counties encompassed within that court's jurisdiction.

Passed by the House January 29, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 51

[House Bill 2785]

FOSTER PARENT RIGHTS AND RESPONSIBILITIES--PROVIDING LIST

AN ACT Relating to providing the list of foster parent rights and responsibilities to prospective and current foster parents; and amending RCW 43.216.015.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.216.015 and 2017 3rd sp.s. c 6 s 101 are each amended to read as follows:

(1)(a) The department of children, youth, and families is created as an executive branch agency. The department is vested with all powers and duties transferred to it under chapter 6, Laws of 2017 3rd sp. sess. and such other powers and duties as may be authorized by law. The vision for the department is that Washington state's children and youth grow up safe and ((~~health-[healthy-~~)) healthy—thriving physically, emotionally, and academically, nurtured by family and community.

(b) The department, in partnership with state and local agencies, tribes, and communities, shall protect children and youth from harm and promote healthy development with effective, high quality prevention, intervention, and early education services delivered in an equitable manner. An important role for the department shall be to provide preventative services to help secure and preserve families in crisis. The department shall partner with the federally recognized Indian tribes to develop effective services for youth and families while respecting the sovereignty of those tribes and the government-to-government relationship. Nothing in chapter 6, Laws of 2017 3rd sp. sess. alters the duties, requirements, and policies of the federal Indian child welfare act, 25 U.S.C.

Secs. 1901 through 1963, as amended, or the Indian child welfare act, chapter 13.38 RCW.

(2) Beginning July 1, 2018, the department must develop definitions for, work plans to address, and metrics to measure the outcomes for children, youth, and families served by the department and must work with state agencies to ensure services for children, youth, and families are science-based, outcome-driven, data-informed, and collaborative.

(3)(a) Beginning July 1, 2018, the department must establish short and long-term population level outcome measure goals, including metrics regarding reducing disparities by family income, race, and ethnicity in each outcome.

(b) The department must report to the legislature on outcome measures, actions taken, progress toward these goals, and plans for the future year, no less than annually, beginning December 1, 2018.

(c) The outcome measures must include, but are not limited to:

(i) Improving child development and school readiness through voluntary, high quality early learning opportunities as measured by: (A) Increasing the number and proportion of children kindergarten-ready as measured by the Washington kindergarten inventory of developing skills (WAKids) assessment including mathematics; (B) increasing the proportion of children in early learning programs that have achieved the level 3 or higher early achievers quality standard; and (C) increasing the available supply of licensed child care in both child care centers and family homes, including providers not receiving state subsidy;

(ii) Preventing child abuse and neglect;

(iii) Improving child and youth safety, permanency, and well-being as measured by: (A) Reducing the number of children entering out-of-home care; (B) reducing a child's length of stay in out-of-home care; (C) reducing maltreatment of youth while in out-of-home care; (D) licensing more foster homes than there are children in foster care; (E) reducing the number of children that reenter out-of-home care within twelve months; (F) increasing the stability of placements for children in out-of-home care; and (G) developing strategies to demonstrate to foster families that their service and involvement is highly valued by the department, as demonstrated by the development of strategies to consult with foster families regarding future placement of a foster child currently placed with a foster family;

(iv) Improving reconciliation of children and youth with their families as measured by: (A) Increasing family reunification; and (B) increasing the number of youth who are reunified with their family of origin;

(v) In collaboration with county juvenile justice programs, improving adolescent outcomes including reducing multisystem involvement and homelessness; and increasing school graduation rates and successful transitions to adulthood for youth involved in the child welfare and juvenile justice systems;

(vi) Reducing future demand for mental health and substance use disorder treatment for youth involved in the child welfare and juvenile justice systems;

(vii) In collaboration with county juvenile justice programs, reducing criminal justice involvement and recidivism as measured by: (A) An increase in the number of youth who successfully complete the terms of diversion or alternative sentencing options; (B) a decrease in the number of youth who

commit subsequent crimes; and (C) eliminating the discharge of youth from institutional settings into homelessness; and

(viii) Reducing racial and ethnic disproportionality and disparities in system involvement and across child and youth outcomes in collaboration with other state agencies.

(4) Beginning July 1, 2018, the department must:

(a) Lead ongoing collaborative work to minimize or eliminate systemic barriers to effective, integrated services in collaboration with state agencies serving children, youth, and families;

(b) Identify necessary improvements and updates to statutes relevant to their responsibilities and proposing legislative changes to the governor no less than biennially;

(c) Help create a data-focused environment in which there are aligned outcomes and shared accountability for achieving those outcomes, with shared, real-time data that is accessible to authorized persons interacting with the family, child, or youth to identify what is needed and which services would be effective;

(d) Lead the provision of state services to adolescents, focusing on key transition points for youth, including exiting foster care and institutions, and coordinating with the office of homeless youth prevention and protection programs to address the unique needs of homeless youth; and

(e) Create and annually update a list of the rights and responsibilities of foster parents in partnership with foster parent representatives. The list of foster parent rights and responsibilities must be posted on the department's web site ((~~and~~)), provided to individuals participating in a foster parent orientation before licensure, provided to foster parents in writing at the time of licensure, and provided to foster parents applying for license renewal.

(5) The department is accountable to the public. To ensure transparency, beginning December 30, 2018, agency performance data for the services provided by the department, including outcome data for contracted services, must be available to the public, consistent with confidentiality laws, federal protections, and individual rights to privacy. Publicly available data must include budget and funding decisions, performance-based contracting data, including data for contracted services, and performance data on metrics identified in this section. The oversight board for children, youth, and families must work with the secretary and director to develop the most effective and cost-efficient ways to make department data available to the public, including making this data readily available on the department's web site.

(6) The department shall ensure that all new and renewed contracts for services are performance-based.

(7) As used in this section, "performance-based contract" means results-oriented contracting that focuses on the quality or outcomes that tie at least a portion of the contractor's payment, contract extensions, or contract renewals to the achievement of specific measurable performance standards and requirements.

(8) The department must execute all new and renewed contracts for services in accordance with this section and consistent with RCW 74.13B.020. When contracted services are managed through a network administrator or other third party, the department must execute data-sharing agreements with the entities managing the contracts to track provider performance measures. Contracts with

network administrators or other third parties must provide the contract administrator the ability to shift resources from one provider to another, to evaluate individual provider performance, to add or delete services in consultation with the department, and to reinvest savings from increased efficiencies into new or improved services in their catchment area. Whenever possible, contractor performance data must be made available to the public, consistent with confidentiality laws and individual rights to privacy.

(9)(a) The oversight board for children, youth, and families shall begin its work and call the first meeting of the board on or after July 1, 2018. The oversight board shall immediately assume the duties of the legislative children's oversight committee, as provided for in RCW 74.13.570 and assume the full functions of the board as provided for in this section by July 1, 2019. The office of innovation, alignment, and accountability shall provide quarterly updates regarding the implementation of the department of children, youth, and families to the board between July 1, 2018, and July 1, 2019.

(b) The ombuds shall establish the oversight board for children, youth, and families. The board is authorized for the purpose of monitoring and ensuring that the department of children, youth, and families achieves the stated outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with administrative acts, relevant statutes, rules, and policies pertaining to early learning, juvenile rehabilitation, juvenile justice, and children and family services.

(10)(a) The oversight board for children, youth, and families shall consist of two senators and two representatives from the legislature with one member from each major caucus, one nonvoting representative from the governor's office, one subject matter expert in early learning, one subject matter expert in child welfare, one subject matter expert in juvenile rehabilitation and justice, one subject matter expert in reducing disparities in child outcomes by family income and race and ethnicity, one tribal representative from the west of the crest of the Cascade mountains, one tribal representative from the east of the crest of the Cascade mountains, one current or former foster parent representative, one representative of an organization that advocates for the best interest of the child, one parent stakeholder group representative, one law enforcement representative, one child welfare caseworker representative, one early childhood learning program implementation practitioner, and one judicial representative presiding over child welfare court proceedings or other children's matters.

(b) The senate members of the board shall be appointed by the leaders of the two major caucuses of the senate. The house of representatives members of the board shall be appointed by the leaders of the two major caucuses of the house of representatives. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year.

(c) The remaining board members shall be nominated by the governor, subject to the approval of the appointed legislators by majority vote, and serve four-year terms.

(11) The oversight board for children, youth, and families has the following powers, which may be exercised by majority vote of the board:

(a) To receive reports of the family and children's ombuds;

(b) To obtain access to all relevant records in the possession of the family and children's ombuds, except as prohibited by law;

(c) To select its officers and adoption of rules for orderly procedure;

(d) To request investigations by the family and children's ombuds of administrative acts;

(e) To request and receive information, outcome data, documents, materials, and records from the department of children, youth, and families relating to children and family welfare, juvenile rehabilitation, juvenile justice, and early learning;

(f) To determine whether the department of children, youth, and families is achieving the performance measures;

(g) If final review is requested by a licensee, to review whether department of children, youth, and families' licensors appropriately and consistently applied agency rules in child care facility licensing compliance agreements as defined in RCW 43.216.395 that do not involve a violation of health and safety standards as defined in RCW 43.216.395 in cases that have already been reviewed by the internal review process described in RCW 43.216.395 with the authority to overturn, change, or uphold such decisions;

(h) To conduct annual reviews of a sample of department of children, youth, and families contracts for services from a variety of program and service areas to ensure that those contracts are performance-based and to assess the measures included in each contract; and

(i) Upon receipt of records or data from the family and children's ombuds or the department of children, youth, and families, the oversight board for children, youth, and families is subject to the same confidentiality restrictions as the family and children's ombuds is under RCW 43.06A.050. The provisions of RCW 43.06A.060 also apply to the oversight board for children, youth, and families.

(12) The oversight board for children, youth, and families has general oversight over the performance and policies of the department and shall provide advice and input to the department and the governor.

(13) The oversight board for children, youth, and families must no less than twice per year convene stakeholder meetings to allow feedback to the board regarding contracting with the department of children, youth, and families, departmental use of local, state, private, and federal funds, and other matters as relating to carrying out the duties of the department.

(14) The oversight board for children, youth, and families shall review existing surveys of providers, customers, parent groups, and external services to assess whether the department of children, youth, and families is effectively delivering services, and shall conduct additional surveys as needed to assess whether the department is effectively delivering services.

(15) The oversight board for children, youth, and families is subject to the open public meetings act, chapter 42.30 RCW.

(16) Records or information received by the oversight board for children, youth, and families is confidential to the extent permitted by state or federal law. This subsection does not create an exception for records covered by RCW 13.50.100.

(17) The oversight board for children, youth, and families members shall receive no compensation for their service on the board, but shall be reimbursed for travel expenses incurred while attending meetings of the board when authorized by the board in accordance with RCW 43.03.050 and 43.03.060.

(18) The oversight board for children, youth, and families shall select, by majority vote, an executive director who shall be the chief administrative officer of the board and shall be responsible for carrying out the policies adopted by the board. The executive director is exempt from the provisions of the state civil service law, chapter 41.06 RCW, and shall serve at the pleasure of the board established in this section.

(19) The oversight board for children, youth, and families shall maintain a staff not to exceed one full-time equivalent employee. The board-selected executive director of the board is responsible for coordinating staff appointments.

(20) The oversight board for children, youth, and families shall issue an annual report to the governor and legislature by December 1st of each year with an initial report delivered by December 1, 2019. The report must review the department of children, youth, and families' progress towards meeting stated performance measures and desired performance outcomes, and must also include a review of the department's strategic plan, policies, and rules.

(21) As used in this section, "department" means the department of children, youth, and families, "director" means the director of the office of innovation, alignment, and accountability, and "secretary" means the secretary of the department.

(22) The governor must appoint the secretary of the department within thirty days of July 6, 2017.

Passed by the House February 12, 2018.
Passed by the Senate March 2, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 52

[House Bill 2816]

WORKING CONNECTIONS CHILD CARE AND SEASONAL CHILD CARE SERVICE--TRANSFER TO DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

AN ACT Relating to transferring all aspects of working connections child care and seasonal child care service delivery to the department of children, youth, and families, based on the recommendations required to be reported to the legislature pursuant to section 103, chapter 6, Laws of 2017 3rd sp. sess.; amending RCW 43.216.139, 43.216.141, 74.08A.341, and 43.216.135; creating new sections; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) The legislature recognizes that child care subsidy programs include the working connections child care program and the seasonal child care program. Child care subsidy programs provide children with stable, nurturing, and enriching activities while parents are supported in stable employment that contributes to financial independence. The legislature acknowledges that the department of early learning develops subsidized child care policy and conducts quality assurance for provider payments and the department of social and health services is responsible for other aspects of service delivery. The legislature intends for these child care subsidy programs to be thoughtfully integrated into the department of children, youth, and families

while maintaining a delivery system that continues to support families and providers with consistent, accurate, and effective services.

(2) The legislature finds that the department of children, youth, and families submitted a report according to section 103, chapter 6, Laws of 2017 3rd sp. sess. with recommendations for effectively transferring working connections child care eligibility into the department of children, youth, and families by July 1, 2019. The legislature intends for the transfer of all aspects of service delivery of child care subsidy programs from the department of social and health services to the department of children, youth, and families to follow the recommendations of that report.

NEW SECTION. **Sec. 2.** (1) All powers, duties, and functions of the department of social and health services pertaining to the working connections child care and seasonal child care programs are transferred to the department of children, youth, and families. All references to the secretary or the department of social and health services in the Revised Code of Washington mean the secretary or the department of children, youth, and families when referring to the working connections child care program and seasonal child care program functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of social and health services pertaining to the powers, duties, and functions transferred must be delivered to the custody of the department of children, youth, and families. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of social and health services in carrying out the powers, duties, and functions transferred must be made available to the department of children, youth, and families. All funds, credits, or other assets held in connection with the powers, duties, and functions transferred are assigned to the department of children, youth, and families.

(b) Any appropriations made to the department of social and health services for carrying out the powers, duties, and functions transferred are, on the effective date of this section, transferred and credited to the department of children, youth, and families.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of social and health services engaged in performing the powers, duties, and working connections child care program and seasonal child care program functions transferred are transferred to the jurisdiction of the department of children, youth, and families. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of children, youth, and families to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of social and health services pertaining to the powers, duties, and functions transferred shall

be continued and acted upon by the department of children, youth, and families. All existing contracts and obligations remain in full force and shall be performed by the department of children, youth, and families.

(5) The transfer of the powers, duties, functions, and personnel of the department of social and health services does not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of social and health services assigned to the department of children, youth, and families under this section whose positions are within an existing bargaining unit description at the department of children, youth, and families must become a part of the existing bargaining unit at the department of children, youth, and families and are considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

Sec. 3. RCW 43.216.139 and 2015 3rd sp.s. c 7 s 7 are each amended to read as follows:

Beginning July 1, 2016, or earlier if a different date is provided in the omnibus appropriations act, when an applicant or recipient applies for or receives working connections child care benefits, the applicant or recipient is required to notify the department ((~~of social and health services~~)), within five days, of any change in providers.

Sec. 4. RCW 43.216.141 and 2013 c 337 s 1 are each amended to read as follows:

(1) The standards and guidelines described in this section are intended for the guidance of the department ((~~and the department of social and health services~~)). They are not intended to, do not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state.

(2) When providing services to parents applying for or receiving working connections child care benefits, the department must provide training to departmental employees on professionalism.

(3) When providing services to parents applying for or receiving working connections child care benefits, the department ((~~of social and health services~~)) has the following responsibilities:

(a) To return all calls from parents receiving working connections child care benefits within two business days of receiving the call;

(b) To develop a process by which parents receiving working connections child care benefits can submit required forms and information electronically by June 30, 2015;

(c) To notify providers and parents ten days before the loss of working connections child care benefits; and

(d) To provide parents with a document that explains in detail and in easily understood language what services they are eligible for, how they can appeal an

adverse decision, and the parents' responsibilities in obtaining and maintaining eligibility for working connections child care.

Sec. 5. RCW 74.08A.341 and 2012 c 217 s 1 are each amended to read as follows:

The department of social and health services shall operate the Washington WorkFirst program authorized under RCW 74.08A.210 through 74.08A.330, 43.330.145, ((~~43.215.545~~)) 43.216.710, and 74.25.040, and chapter 74.12 RCW within the following constraints:

(1) The program shall be operated within amounts appropriated by the legislature and consistent with policy established by the legislature to achieve self-sufficiency through work and the following additional outcomes:

(a) Recipients' economic status is improving through wage progression, job retention, and educational advancement;

(b) Recipients' status regarding housing stability, medical and behavioral health, and job readiness is improving;

(c) The well-being of children whose caretaker is receiving benefits on their behalf is improving with respect to child welfare and educational achievement.

(2)(a) The department shall create a budget structure that allows for more transparent tracking of program spending. The budget structure shall outline spending for the following: Temporary assistance for needy family grants, ((~~working connections child care,~~)) WorkFirst activities, and administration of the program.

(b) Each biennium, the department shall establish a biennial spending plan, using the budget structure created in (a) of this subsection, for this program and submit the plan to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force no later than July 1st of every odd-numbered year, beginning on July 1, 2013. The department shall update the legislative fiscal committees and the task force on the spending plan if modifications are made to the plan previously submitted to the legislature and the task force for that biennium.

(c) The department also shall provide expenditure reports to the fiscal committees of the legislature and the legislative-executive WorkFirst oversight task force beginning September 1, 2012, and on a quarterly basis thereafter. If the department determines, based upon quarterly expenditure reports, that expenditures will exceed funding at the end of the fiscal year, the department shall take those actions necessary to ensure that services provided under this chapter are available only to the extent of and consistent with appropriations in the operating budget and policy established by the legislature following notification provided in (b) of this subsection.

(3) No more than fifteen percent of the temporary assistance for needy families block grant, the federal child care funds, and qualifying state expenditures may be spent for administrative purposes. For purposes of this subsection, "administrative purposes" does not include expenditures for information technology and computerization needed for tracking and monitoring required by P.L. 104-193.

(4) The department shall expend funds appropriated for work activities, as defined in RCW 74.08A.250, or for other services provided to WorkFirst recipients, as authorized under RCW 74.08A.290.

Sec. 6. RCW 43.216.135 and 2017 3rd sp.s. c 9 s 2 are each amended to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. These policies shall focus on supporting school readiness for young learners. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures ((~~defined in RCW 74.08A.410~~)) established by the department and the standards established in this section intended to promote stability, quality, and continuity of early care and education programming.

(2) As recommended by Public Law 113-186, authorizations for the working connections child care subsidy shall be effective for twelve months beginning July 1, 2016, unless an earlier date is provided in the omnibus appropriations act.

(3) Existing child care providers serving nonschool-age children and receiving state subsidy payments must complete the following requirements to be eligible for a state subsidy under this section:

(a) Enroll in the early achievers program by August 1, 2016;

(b) Complete level 2 activities in the early achievers program by August 1, 2017; and

(c) Rate at a level 3 or higher in the early achievers program by December 31, 2019. If a child care provider rates below a level 3 by December 31, 2019, the provider must complete remedial activities with the department, and rate at a level 3 or higher no later than June 30, 2020.

(4) Effective July 1, 2016, a new child care provider serving nonschool-age children and receiving state subsidy payments must complete the following activities to be eligible to receive a state subsidy under this section:

(a) Enroll in the early achievers program within thirty days of receiving the initial state subsidy payment;

(b) Complete level 2 activities in the early achievers program within twelve months of enrollment; and

(c) Rate at a level 3 or higher in the early achievers program within thirty months of enrollment. If a child care provider rates below a level 3 within thirty months from enrollment into the early achievers program, the provider must complete remedial activities with the department, and rate at a level 3 or higher within six months of beginning remedial activities.

(5) If a child care provider does not rate at a level 3 or higher following the remedial period, the provider is no longer eligible to receive state subsidy under this section.

(6) If a child care provider serving nonschool-age children and receiving state subsidy payments has successfully completed all level 2 activities and is waiting to be rated by the deadline provided in this section, the provider may continue to receive a state subsidy pending the successful completion of the level 3 rating activity.

(7) The department shall implement tiered reimbursement for early achievers program participants in the working connections child care program rating at level 3, 4, or 5.

(8) The department shall account for a child care copayment collected by the provider from the family for each contracted slot and establish the copayment fee by rule.

(9)(a) The department shall establish and implement policies in the working connections child care program to allow eligibility for families with children who:

(((~~(a)~~))) (i) In the last six months have:

(((~~(i)~~))) (A) Received child protective services as defined and used by chapters 26.44 and 74.13 RCW;

(((~~(ii)~~))) (B) Received child welfare services as defined and used by chapter 74.13 RCW; or

(((~~(iii)~~))) (C) Received services through a family assessment response as defined and used by chapter 26.44 RCW;

(((~~(b)~~))) (ii) Have been referred for child care as part of the family's case management as defined by RCW 74.13.020; and

(((~~(c)~~))) (iii) Are residing with a biological parent or guardian.

(((~~(10)~~))) (b) Children who are eligible for working connections child care pursuant to this subsection (((~~(9) of this section~~))) do not have to keep receiving services ((~~through the department of social and health services~~)) identified in this subsection to maintain twelve-month authorization. The department of social and health services' involvement with the family referred for working connections child care ends when the family's child protective services, child welfare services, or family assessment response case is closed.

NEW SECTION. **Sec. 7.** This act takes effect July 1, 2019.

Passed by the House February 19, 2018.
Passed by the Senate March 5, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 53

[Engrossed Senate Bill 5288]

PUBLIC TRANSPORTATION BENEFIT AREAS--SALES AND USE TAX

AN ACT Relating to authorizing certain public transportation benefit areas to impose a sales and use tax increase approved by voters; amending RCW 82.14.045; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 82.14.045 and 2015 3rd sp.s. c 44 s 312 are each amended to read as follows:

(1) The legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a county with a population of one million or more pursuant to chapter 35.58 RCW, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance, or capital needs of public transportation systems or public transportation limited to persons with special needs under RCW 36.57.130 and 36.57A.180, and in lieu of the excise

taxes authorized by RCW 35.95.040, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of public transportation or public transportation limited to persons with special needs under RCW 36.57.130 and 36.57A.180, and if approved by a majority of persons voting thereon, impose a sales and use tax in accordance with the terms of this chapter. Where an authorizing proposition is submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of section 10, chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.

The tax authorized by this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be. The rate of such tax shall be one-tenth, two-tenths, three-tenths, four-tenths, five-tenths, six-tenths, seven-tenths, eight-tenths, or nine-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such tax shall not exceed the rate authorized by the voters unless such increase shall be similarly approved.

(2)(a) In the event a metropolitan municipal corporation imposes a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly within such metropolitan municipal corporation shall be empowered to impose and/or collect taxes under RCW 35.95.040 or this section, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization.

(b) In the event a county transportation authority imposes a sales and use tax under this section, no city, county which has created an unincorporated transportation benefit area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to impose or collect taxes under RCW 35.95.040 or this section.

(c) In the event a public transportation benefit area imposes a sales and use tax under this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to impose or collect taxes under RCW 35.95.040 or this section.

(3) The legislative body of a public transportation benefit area located in a county with a population of seven hundred thousand or more that also contains a city with a population of seventy-five thousand or more operating a transit system pursuant to chapter 35.95 RCW or the legislative body of a public

transportation benefit area located in a county with a population of more than two hundred fifty thousand but fewer than four hundred thousand that also contains two or more cities with a population of forty thousand or more may submit an authorizing proposition to the voters and, if approved by a majority of persons voting on the proposition, impose a sales and use tax in accordance with the terms of this chapter of one-tenth, two-tenths, or three-tenths of one percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, in addition to the rate in subsection (1) of this section.

NEW SECTION. **Sec. 2.** This act takes effect August 1, 2018.

Passed by the Senate February 7, 2018.
Passed by the House March 2, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 54

[Engrossed Senate Bill 6018]

CONSUMER REPORTING AGENCIES--SECURITY FREEZES--FEES

AN ACT Relating to consumer reporting agency security freezes; amending RCW 19.182.170 and 19.182.230; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 19.182.170 and 2007 c 499 s 1 are each amended to read as follows:

(1) A consumer, who is a resident of this state, may elect to place a security freeze on his or her credit report by making a request ((~~in writing by certified mail~~)) to a consumer reporting agency. "Security freeze" means a prohibition, consistent with this section, on a consumer reporting agency's furnishing of a consumer's credit report to a third party intending to use the credit report to determine the consumer's eligibility for credit. If a security freeze is in place, information from a consumer's credit report may not be released to a third party without prior express authorization from the consumer. This subsection does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report.

(2) For purposes of this section and RCW 19.182.180 through 19.182.210:

(a) "Victim of identity theft" means a person who has a police report evidencing their claim to be a victim of a violation of RCW 9.35.020 and which report will be produced to a consumer reporting agency, upon such consumer reporting agency's request.

(b) "Credit report" means a consumer report, as defined in 15 U.S.C. Sec. 1681a, that is used or collected to serve as a factor in establishing a consumer's eligibility for credit for personal, family, or household purposes.

(c) "Normal business hours" means Sunday through Saturday, between the hours of 6:00 a.m. and 9:30 p.m. Pacific time.

(3) A consumer reporting agency shall place a security freeze on a consumer's credit report no later than five business days after receiving a ((~~written~~)) request from the consumer ((~~and payment of the fee required by the consumer reporting agency under subsection (13) of this section~~)).

(4) The consumer reporting agency shall send a ((~~written~~)) confirmation of the security freeze to the consumer within ten business days and shall provide the consumer with a unique personal identification number or password to be used by the consumer when providing authorization for the release of his or her credit report for a specific party or period of time.

(5) If the consumer wishes to allow his or her credit report to be accessed for a specific period of time while a freeze is in place, he or she shall contact the consumer reporting agency, request that the freeze be temporarily lifted, and provide the following:

(a) Proper identification, which means that information generally deemed sufficient to identify a person. Only if the consumer is unable to sufficiently identify himself or herself, may a consumer reporting agency require additional information concerning the consumer's employment and personal or family history in order to verify his or her identity;

(b) The unique personal identification number or password provided by the consumer reporting agency under subsection (4) of this section; and

(c) The proper information regarding the time period for which the report is available to users of the credit report((~~; and~~

~~(d) Payment of the fee required by the consumer reporting agency under subsection (13) of this section~~)).

(6) A consumer reporting agency that receives a request from a consumer to temporarily lift a freeze on a credit report under subsection (5) of this section shall comply with the request within:

(a) Three business days of receiving the request by mail; or

(b) Fifteen minutes of receiving the request from the consumer through the electronic contact method chosen by the consumer reporting agency in accordance with subsection (8) of this section, if the request:

(i) Is received during normal business hours; and

(ii) Includes the consumer's proper identification and correct personal identification number or password.

(7) A consumer reporting agency is not required to remove a security freeze within the time provided in subsection (6)(b) of this section if:

(a) The consumer fails to meet the requirements of subsection (5) of this section; or

(b) The consumer reporting agency's ability to remove the security freeze within fifteen minutes is prevented by:

(i) An act of God, including fire, earthquakes, hurricanes, storms, or similar natural disasters or phenomena;

(ii) Unauthorized or illegal acts by a third party, including terrorism, sabotage, riot, vandalism, labor strikes, or disputes disrupting operations, or similar occurrences;

(iii) An interruption in operations, including electrical failure, unanticipated delay in equipment or replacement part delivery, computer hardware or software failures inhibiting response time, or similar disruptions;

(iv) Governmental action, including emergency orders or regulations, judicial or law enforcement action, or similar directives;

(v) Regularly scheduled maintenance of, or updates to, the consumer reporting agency's systems outside of normal business hours;

(vi) Commercially reasonable maintenance of, or repair to, the consumer reporting agency's systems that is unexpected or unscheduled; or

(vii) Receipt of a removal request outside of normal business hours.

(8) A consumer reporting agency may develop procedures involving the use of telephone, fax, the internet, or other electronic media to receive and process a request from a consumer to temporarily lift a freeze on a credit report under subsection (5) of this section in an expedited manner.

(9) A consumer reporting agency shall remove or temporarily lift a freeze placed on a consumer's credit report only in the following cases:

(a) Upon consumer request, under subsection (5) or (12) of this section; or

(b) When the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer. When a consumer reporting agency intends to remove a freeze upon a consumer's credit report under this subsection, the consumer reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer's credit report.

(10) When a third party requests access to a consumer credit report on which a security freeze is in effect, and this request is in connection with an application for credit or any other use, and the consumer does not allow his or her credit report to be accessed for that period of time, the third party may treat the application as incomplete.

(11) When a consumer requests a security freeze, the consumer reporting agency shall disclose the process of placing and temporarily lifting a freeze, and the process for allowing access to information from the consumer's credit report for a specific period of time while the freeze is in place.

(12) A security freeze remains in place until the consumer requests that the security freeze be removed. A consumer reporting agency shall remove a security freeze within three business days of receiving a request for removal from the consumer, who provides all of the following:

(a) Proper identification, as defined in subsection (5)(a) of this section; and

(b) The unique personal identification number or password provided by the consumer reporting agency under subsection (4) of this section((~~; and~~

~~(c) Payment of the fee required by the consumer reporting agency under subsection (13) of this section~~)).

(13)(((~~(a) Except as provided in (b) of this subsection, a consumer reporting agency may charge a fee of no more than ten dollars to a consumer for placement of each freeze, temporary lift of the freeze, or removal of the freeze.~~

~~(b)~~)) A consumer reporting agency may not charge a fee for any service under this section including, but not limited to ((~~place~~)), placing a security freeze ((~~for a victim of identity theft or for a consumer, who is sixty-five years old or older~~)), assigning a unique personal identification number or password, temporarily lifting a security freeze, or removing a security freeze.

(14) This section does not apply to the use of a consumer credit report by any of the following:

(a) A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the consumer to that person or entity, or a prospective assignee of a financial obligation owing by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the

consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument. For purposes of this subsection, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements;

(b) Any federal, state, or local entity, including a law enforcement agency, court, or their agents or assigns;

(c) Any person acting under a court order, warrant, or subpoena;

(d) A child support agency acting under Title IV-D of the social security act (42 U.S.C. Sec. 651 et seq.);

(e) The department of social and health services acting to fulfill any of its statutory responsibilities;

(f) The internal revenue service acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of its other statutory responsibilities;

(g) The use of credit information for the purposes of prescreening as provided for by the federal fair credit reporting act;

(h) Any person or entity administering a credit file monitoring subscription service to which the consumer has subscribed;

(i) Any person or entity for the purpose of providing a consumer with a copy of his or her credit report upon the consumer's request; and

(j) A mortgage broker or loan originator required to be licensed under chapter 19.146 RCW.

(15) Liability may not result to the consumer reporting agency if through inadvertence or mistake the consumer reporting agency releases credit report information to a person or entity purporting to be a mortgage broker or loan originator under subsection (14) of this section that is, in fact, not a mortgage broker or loan originator.

(16) The consumer's request for a security freeze does not prohibit the consumer reporting agency from disclosing the consumer's credit report for other than credit-related purposes.

(17) A violation of subsection (6) of this section does not provide a private cause of action under RCW 19.86.090. A violation of subsection (6) of this section shall be enforced exclusively by the attorney general. A violation of subsection (6) of this section is subject to all other remedies and penalties available under this chapter.

Sec. 2. RCW 19.182.230 and 2016 c 135 s 2 are each amended to read as follows:

(1) A consumer reporting agency shall place a security freeze for a protected consumer if:

(a) The consumer reporting agency receives a request from the protected consumer's representative for the placement of the security freeze under this section; and

(b) The protected consumer's representative:

(i) Submits the request to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;

(ii) Provides to the consumer reporting agency sufficient proof of identification of the protected consumer and the representative; and

(iii) Provides to the consumer reporting agency sufficient proof of authority to act on behalf of the protected consumer((~~; and~~

~~(iv) Pays to the consumer reporting agency a fee as provided in this section~~)).

(2) If a consumer reporting agency does not have a file pertaining to a protected consumer when the consumer reporting agency receives a request under subsection (1)(a) of this section, the consumer reporting agency shall create a record for the protected consumer.

(3) Within thirty days after receiving a request that meets the requirements of subsection (1) of this section, a consumer reporting agency shall place a security freeze for the protected consumer.

(4) Unless a security freeze for a protected consumer is removed in accordance with subsection (6) or (9) of this section, a consumer reporting agency may not release the protected consumer's consumer report, any information derived from the protected consumer's consumer report, or any record created for the protected consumer.

(5) A security freeze for a protected consumer placed in accordance with this section shall remain in effect until:

(a) The protected consumer or the protected consumer's representative requests the consumer reporting agency to remove the security freeze in accordance with subsection (6) of this section; or

(b) The security freeze is removed in accordance with subsection (9) of this section.

(6) If a protected consumer or a protected consumer's representative wishes to remove a security freeze for the protected consumer, the protected consumer or the protected consumer's representative shall:

(a) Submit a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;

(b) Provide to the consumer reporting agency:

(i) In the case of a request by the protected consumer:

(A) Proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the protected consumer is no longer valid; and

(B) Sufficient proof of identification of the protected consumer; and

(ii) In the case of a request by the representative of a protected consumer:

(A) Sufficient proof of identification of the protected consumer and the representative; and

(B) Sufficient proof of authority to act on behalf of the protected consumer((~~; and~~

~~(iii) In any case, pay to the consumer reporting agency a fee as provided in this section~~)).

(7) Within thirty days after receiving a request that meets the requirements of subsection (6) of this section, the consumer reporting agency shall remove the security freeze for the protected consumer.

(8)(((~~(a) Except as provided in (b) of this subsection,~~)) A consumer reporting agency may not charge a fee for any service performed under this section.

(((~~(b) A consumer reporting agency may charge a reasonable fee, not exceeding ten dollars, for each placement or removal of a security freeze for a protected consumer.~~

~~(c) A consumer reporting agency may not charge any fee under this section if:~~

~~(i) The protected consumer's representative:~~

~~(A) Has obtained a report from a federal, state, county, or local law enforcement alleging identity theft in violation of RCW 9.35.020 against the protected consumer; and~~

~~(B) Provides a copy of the report to the consumer reporting agency; or~~

~~(ii)(A) A request for the placement or removal of a security freeze is for a protected consumer who is under the age of sixteen years at the time of the request; and~~

~~(B) The consumer reporting agency has a consumer report pertaining to the protected consumer.~~))

(9) A consumer reporting agency may remove a security freeze for a protected consumer or delete a record of a protected consumer if the security freeze was placed or the record was created based on a material misrepresentation of fact by the protected consumer or the protected consumer's representative.

(10) A violation of this section is enforced in accordance with RCW 19.182.170(17).

(11) This section does not apply to:

(a) Persons or transactions described in RCW 19.182.170(14)(b), (c), (d), (e), (f), (h), or (i);

(b) Persons or transactions described in RCW 19.182.190;

(c) Persons or transactions described in RCW 19.182.200; or

(d) A person or entity that maintains, or a database used solely for, the following:

(i) Criminal record information;

(ii) Personal loss history information;

(iii) Fraud prevention or detection;

(iv) Employment screening; or

(v) Tenant screening.

NEW SECTION. **Sec. 3.** The office of cybersecurity, the office of privacy and data protection, and the attorney's general office must work with stakeholders to evaluate the impact to consumers and the consumer reporting agencies regarding the modifications in this act. The report must include trends in data breaches including the frequency and nature of security breaches, best practices for preventing cybersecurity attacks, identity theft mitigation services available to consumers, and identity theft mitigation protocols recommended by the federal trade commission, the consumer financial protection bureau, and other relevant federal or state agencies. The report must be submitted to the house of representatives committee on business and financial services and the senate committee on financial institutions and insurance by December 1, 2020.

Passed by the Senate January 18, 2018.

Passed by the House February 22, 2018.

Approved by the Governor March 13, 2018.

Filed in Office of Secretary of State March 13, 2018.

CHAPTER 55

[Senate Bill 6040]

BUSINESS CORPORATIONS ACT--MEETINGS--REMOTE COMMUNICATION

AN ACT Relating to meetings under the business corporations act; and amending RCW 23B.07.010, 23B.07.020, and 23B.07.080.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 23B.07.010 and 2002 c 297 s 20 are each amended to read as follows:

(1) Except as provided in subsections (2) and ((~~(5)~~)) (6) of this section, a corporation shall hold a meeting of shareholders annually for the election of directors at a time stated in or fixed in accordance with the bylaws.

(2)(a) If the articles of incorporation or the bylaws of a corporation registered as an investment company under the investment company act of 1940 so provide, the corporation is not required to hold an annual meeting of shareholders in any year in which the election of directors is not required by the investment company act of 1940.

(b) If a corporation is required under (a) of this subsection to hold an annual meeting of shareholders to elect directors, the meeting shall be held no later than one hundred twenty days after the occurrence of the event requiring the meeting.

(3) Subject to subsection (4) of this section:

(a) Annual shareholders' meetings may be held in or out of this state at the place stated in or fixed in accordance with the bylaws((~~,~~)); and

(b) If no place is stated in or fixed in accordance with the bylaws, annual meetings shall be held at the corporation's principal office.

(4) Unless the articles of incorporation or bylaws provide otherwise, if the board of directors or another person is authorized in the bylaws to determine the place of annual meetings, the board of directors or such other person may, in the sole discretion of the board of directors or such other person, determine that an annual meeting will not involve a physical assembly of shareholders at a particular geographic location, but instead will be held solely by means of remote communication, in accordance with RCW 23B.07.080.

(5) The failure to hold an annual meeting at the time stated in or fixed in accordance with a corporation's bylaws does not affect the validity of any corporate action.

((~~(5)~~)) (6) Shareholders may act by consent set forth in a record to elect directors as permitted by RCW 23B.07.040 in lieu of holding an annual meeting.

Sec. 2. RCW 23B.07.020 and 2002 c 297 s 21 are each amended to read as follows:

(1) A corporation shall hold a special meeting of shareholders:

(a) On call of its board of directors or the person or persons authorized to do so by the articles of incorporation or bylaws; or

(b) Except as set forth in subsections (2) and (3) of this section, if the holders of at least ten percent of all the votes entitled to be cast on any issue proposed to be considered at the proposed special meeting deliver to the corporation's secretary one or more demands set forth in an executed and dated record for the meeting describing the purpose or purposes for which it is to be held, which demands shall be set forth either (i) in an executed record or (ii) if the corporation has designated an address, location, or system to which the

demands may be electronically transmitted and the demands are electronically transmitted to that designated address, location, or system, in an executed electronically transmitted record.

(2) The right of shareholders of a public company to call a special meeting may be limited or denied to the extent provided in the articles of incorporation.

(3) If the corporation is other than a public company, the articles or bylaws may require the demand specified in subsection (1)(b) of this section be made by a greater percentage, not in excess of twenty-five percent, of all the votes entitled to be cast on any issue proposed to be considered at the proposed special meeting.

(4) If not otherwise fixed under RCW 23B.07.030 or 23B.07.070, the record date for determining shareholders entitled to demand a special meeting is the date of delivery of the first shareholder demand in compliance with subsection (1) of this section.

(5) Subject to subsection (6) of this section:

(a) Special shareholders' meetings may be held in or out of this state at the place stated in or fixed in accordance with the bylaws((~~,~~)); and

(b) If no place is stated or fixed in accordance with the bylaws, special meetings shall be held at the corporation's principal office.

(6) Unless the articles of incorporation or bylaws provide otherwise, if the board of directors or another person is authorized in the bylaws to determine the place of special meetings, the board of directors or such other person may, in the sole discretion of the board of directors or such other person, determine that a special meeting will not involve a physical assembly of shareholders at a particular geographic location, but instead will be held solely by means of remote communication, in accordance with RCW 23B.07.080.

(7) Only business within the purpose or purposes described in the meeting notice required by RCW 23B.07.050(3) may be conducted at a special shareholders' meeting.

Sec. 3. RCW 23B.07.080 and 1989 c 165 s 67 are each amended to read as follows:

((~~If~~)) (1) Unless the articles of incorporation or bylaws ((~~so~~)) provide((~~, shareholders may~~)) otherwise, a corporation may permit any or all shareholders to participate in any meeting of shareholders by ((~~any means of communication by which all persons participating in the meeting can hear each other during the meeting. A shareholder participating in a meeting by this means is deemed to be present in person at the meeting~~)) means of, or conduct the meeting solely through the use of, remote communication. Subject to the provisions of subsection (2) of this section, participation by remote communication is to be subject to any guidelines and procedures adopted by or pursuant to the authority of the board of directors.

(2) If a corporation elects to permit participation by means of, or conduct a meeting solely through the use of, remote communication:

(a) The notice of the meeting must specify how a shareholder may participate in the meeting by means of remote communication; and

(b) The corporation must implement reasonable measures to (i) verify that each person participating remotely as a shareholder or proxy holder is a shareholder or proxy holder, and (ii) provide each person participating remotely as a shareholder or proxy holder a reasonable opportunity to participate in the

meeting and to vote on matters submitted to the shareholders, including an opportunity to read or hear the proceedings of the meeting substantially concurrently with those proceedings.

(3) Participation in a meeting in accordance with this section constitutes presence in person at that meeting.

(4) If the board of directors or another authorized person determines to hold a shareholders' meeting without a physical assembly of shareholders in accordance with RCW 23B.07.010(4) or 23B.07.020(6), all shareholders entitled to vote at such meeting must have the opportunity to participate in the meeting by remote communication in accordance with this section.

Passed by the Senate January 25, 2018.
Passed by the House March 2, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 56

[Senate Bill 6134]

ALTERNATIVE LEARNING EXPERIENCE COURSES--DEFINITIONS

AN ACT Relating to modifying definitions for alternative learning experience courses; and amending RCW 28A.232.010.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 28A.232.010 and 2013 2nd sp.s. c 18 s 502 are each amended to read as follows:

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

(a) "Alternative learning experience course" means a course, or for grades kindergarten through eight grade-level coursework, that is a delivery method for the program of basic education and is:

(i) Provided in whole or in part independently from a regular classroom setting or schedule, but may include some components of direct instruction;

(ii) Supervised, monitored, assessed, evaluated, and documented by a certificated teacher employed by the school district or under contract as permitted by applicable rules; and

(iii) Provided in accordance with a written student learning plan that is implemented pursuant to the school district's policy and rules adopted by the superintendent of public instruction for alternative learning experiences.

(b) "In-person" means face-to-face instructional contact in a physical classroom environment.

(c) "Instructional contact time" means instructional time with a certificated teacher. Instructional contact time must be for the purposes of actual instruction, review of assignments, testing, evaluation of student progress, or other learning activities or requirements identified in the student's written student learning plan. Instructional contact time must be related to an alternative learning experience course identified in the student's written student learning plan. Instructional contact time may occur in a group setting between the teacher and multiple students and may be delivered either in-person or remotely using technology.

(d) "Online course" means an alternative learning experience course that has the same meaning as provided in RCW 28A.250.010.

(e) "Remote course" means an alternative learning experience course that is not an online course where the ((~~student has in-person instructional contact time for less than twenty percent of the total weekly time for the course~~)) written student learning plan for the course does not include a requirement for in-person instructional contact time. No minimum in-person instructional contact time is required.

(f) "Site-based course" means an alternative learning experience course where the ((~~student has in-person instructional contact time for at least twenty percent of the total weekly time for the course~~)) written student learning plan for the course includes a requirement for in-person instructional contact time.

(g) "Total weekly time" means the estimated average hours per school week the student will engage in learning activities to meet the requirements of the written student learning plan.

(2) School districts may claim state funding under RCW 28A.232.020, to the extent otherwise allowed by state law including the provisions of RCW 28A.250.060, for students enrolled in remote, site-based, or online alternative learning experience courses. High school courses must meet district or state graduation requirements and be offered for high school credit.

(3) School districts that offer alternative learning experience courses may not provide any compensation, reimbursement, gift, reward, or gratuity to any parents, guardians, or students for participation in the courses. School district employees are prohibited from receiving any compensation or payment as an incentive to increase student enrollment of out-of-district students in alternative learning experience courses. This prohibition includes, but is not limited to, providing funds to parents, guardians, or students for the purchase of educational materials, supplies, experiences, services, or technological equipment. A district may purchase educational materials, equipment, or other nonconsumable supplies for students' use in alternative learning experience courses if the purchase is consistent with the district's approved curriculum, conforms to applicable laws and rules, and is made in the same manner as such purchases are made for students in the district's regular instructional program. Items so purchased remain the property of the school district upon program completion. School districts may not purchase or contract for instructional or cocurricular experiences and services that are included in an alternative learning experience written student learning plan, including but not limited to lessons, trips, and other activities, unless substantially similar experiences and services are available to students enrolled in the district's regular instructional program. School districts that purchase or contract for such experiences and services for students enrolled in an alternative learning experience course must submit an annual report to the office of the superintendent of public instruction detailing the costs and purposes of the expenditures. These requirements extend to contracted providers of alternative learning experience courses, and each district shall be responsible for monitoring the compliance of its providers with these requirements. However, nothing in this subsection shall prohibit school districts from contracting with school district employees to provide services or experiences to students, or from contracting with online providers approved by

the office of the superintendent of public instruction pursuant to chapter 28A.250 RCW.

(4) Each school district offering or contracting to offer alternative learning experience courses must:

(a) Report annually to the superintendent of public instruction regarding the course types and offerings, and number of students participating in each;

(b) Document the district of residence for each student enrolled in an alternative learning experience course; and

(c) Beginning in the 2013-14 school year and continuing through the 2016-17 school year, pay costs associated with a biennial measure of student outcomes and financial audit of the district's alternative learning experience courses by the office of the state auditor.

(5) A school district offering or contracting to offer an alternative learning experience course to a nonresident student must inform the resident school district if the student drops out of the course or is otherwise no longer enrolled.

(6) School districts must assess the educational progress of enrolled students at least annually, using, for full-time students, the state assessment for the student's grade level and using any other annual assessments required by the school district. Part-time students must also be assessed at least annually. However, part-time students who are either receiving home-based instruction under chapter 28A.200 RCW or who are enrolled in an approved private school under chapter 28A.195 RCW are not required to participate in the assessments required under chapter 28A.655 RCW. The rules must address how students who reside outside the geographic service area of the school district are to be assessed.

(7) Beginning with the 2013-14 school year, school districts must designate alternative learning experience courses as such when reporting course information to the office of the superintendent of public instruction under RCW 28A.300.500.

(8)(a) The superintendent of public instruction shall adopt rules necessary to implement this section.

(b) Rules adopted for weekly direct personal contact requirements and monthly progress evaluation must be flexible and reflect the needs of the student and the student's individual learning plan rather than specifying an amount of time. In addition, the rules must reduce documentation requirements, particularly for students making satisfactory progress, based on the unique aspects of the alternative learning experience course types defined in this section and taking into consideration the technical and system capabilities associated with the different course types.

(c) The rules must establish procedures that address how the counting of students must be coordinated by resident and nonresident districts for state funding so that no student is counted for more than one full-time equivalent in the aggregate.

Passed by the Senate February 9, 2018.

Passed by the House March 2, 2018.

Approved by the Governor March 13, 2018.

Filed in Office of Secretary of State March 13, 2018.

CHAPTER 57

[Senate Bill 6197]

PUBLIC EMPLOYEE DEATH--EMPLOYER INDEBTEDNESS

AN ACT Relating to an employer's payment of indebtedness upon the death of an employee; and amending RCW 49.48.120.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 49.48.120 and 2003 c 122 s 1 are each amended to read as follows:

(1) If at the time of the death of any person, his or her employer is indebted to him or her for work, labor, and services performed, and no executor or administrator of his or her estate has been appointed, the employer shall upon the request of the surviving spouse pay the indebtedness in an amount as may be due not exceeding the sum of two thousand five hundred dollars, to the surviving spouse, or if the decedent leaves no surviving spouse, then to the decedent's child or children, or if no children, then to the decedent's father or mother.

(2) In the event the decedent's employer is the state of Washington or a municipal corporation, as defined in RCW 39.50.010, then there shall be no limit to the amount of the indebtedness that can be paid under subsection (1) of this section ((~~shall not exceed ten thousand dollars. At the beginning of each biennium, the director of financial management may by administrative policy adjust the amount of indebtedness that can be paid under this subsection to levels not to exceed the percentage increase in the consumer price index for all urban consumers, CPI-U, for Seattle, or a successor index, for the previous biennium as calculated by the United States department of labor. Adjusted dollar amounts of indebtedness shall be rounded to the nearest five hundred dollar increment~~)).

(3) If the decedent and the surviving spouse have entered into a community property agreement that meets the requirements of RCW 26.16.120, and the right to the indebtedness became the sole property of the surviving spouse upon the death of the decedent, the employer shall pay to the surviving spouse the total of the indebtedness, or that portion which is governed by the community property agreement, upon presentation of the agreement accompanied by an affidavit or declaration of the surviving spouse stating that the agreement was executed in good faith between the parties and had not been rescinded by the parties before the decedent's death.

(4) In all cases, the employer shall require proof of the claimant's relationship to the decedent by affidavit or declaration, and shall require the claimant to acknowledge receipt of the payment in writing.

(5) Any payments made by an employer pursuant to the provisions of RCW 49.48.115 and ((~~49.48.120~~)) this section shall operate as a full and complete discharge of the employer's indebtedness to the extent of the payment, and no employer shall thereafter be liable to the decedent's estate, or the decedent's executor or administrator thereafter appointed.

(6) The employer may also pay the indebtedness upon presentation of an affidavit as provided in RCW 11.62.010.

Passed by the Senate February 13, 2018.
Passed by the House March 2, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 58

[Senate Bill 6287]

DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES--TECHNICAL CHANGES

AN ACT Relating to making technical changes regarding the department of children, youth, and families; amending RCW 28A.655.080, 74.09.470, 43.63A.068, 43.63A.066, 43.31.571, 41.06.097, 74.12.340, 74.08A.260, 74.04.014, 70.305.020, 70.305.010, 70.198.020, 43.216.065, 43.121.100, 43.88C.050, 43.31.583, 43.31.581, 43.31.575, 43.20.275, 42.48.010, 41.04.385, 36.70A.450, 36.70.757, 35A.63.215, 35.63.185, 35.21.688, 28B.77.005, 28A.655.220, 28A.300.570, 28A.188.040, 28A.175.075, 28A.155.160, 19.02.050, 43.216.555, 43.216.370, 43.216.355, 43.216.350, 43.216.325, 43.216.315, 43.216.305, 43.216.300, 43.216.265, 43.216.045, 43.216.105, 9.94A.655, 26.44.220, 9.94A.6551, 74.13.632, 74.13.341, 28A.300.525, 74.13.020, 72.05.435, 13.34.030, 74.31.020, 74.15.038, 74.13.660, 74.13.570, 71.24.065, 43.185C.285, 43.185C.260, 28B.105.060, 28A.300.592, 26.44.125, 7.68.801, 2.70.090, 43.216.380, 43.216.165, 43.216.250, 13.34.062, 13.34.069, 74.13A.005, 74.14A.060, 13.90.010, 43.216.015, 43.06A.030, 13.50.010, 74.14B.010, 43.216.906, and 43.216.905; reenacting and amending RCW 43.216.270; providing an effective date; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 28A.655.080 and 2012 c 51 s 2 are each amended to read as follows:

(1) To the extent funds are available, beginning in the 2012-13 school year, the Washington kindergarten inventory of developing skills shall be administered at the beginning of the school year to all students enrolled in state-funded full-day kindergarten programs under RCW 28A.150.315 with the exception of students who have been excused from participation by their parents or guardians.

(2)(a) The superintendent of public instruction, in consultation with the department of ((~~early learning~~)) children, youth, and families, shall convene a work group to provide:

(i) Input and recommendations with respect to implementation of the Washington kindergarten inventory of developing skills;

(ii) Recommendations regarding the optimum way to administer the Washington kindergarten inventory of developing skills to children in half-day kindergarten while ensuring that they receive the maximum instruction as required in RCW 28A.150.205; and

(iii) Recommendations with respect to achieving the goal of replacing assessments currently required by school districts with the Washington kindergarten inventory of developing skills.

(b) The work group shall include:

(i) One representative from the office of the superintendent of public instruction;

(ii) One representative from the department of ((~~early learning~~)) children, youth, and families;

(iii) One representative from the nongovernmental private-public partnership defined in RCW ((~~43.215.010~~)) 43.216.010;

(iv) Five representatives, including both teachers and principals, from school districts that participated in the pilot project, with every effort made to make sure that there is representation from across the state;

(v) Two parents who are familiar with and participated in the Washington kindergarten inventory of developing skills pilot during the 2010-11 school year; and

(vi) A representative from an independent, nonprofit children and family services organization with a main campus in North Bend, Washington.

(c) The work group may solicit input from people who are recent implementers of the Washington kindergarten inventory of developing skills.

(d) A preliminary report and recommendations shall be submitted to the education committees of the senate and the house of representatives by December 1, 2012. A subsequent report and recommendations shall be submitted to the education committees of the senate and the house of representatives by December 1, 2013, and annually by December 1st thereafter.

(e) The work group shall terminate upon full statewide implementation of all-day kindergarten.

(3) To the extent funds are available, additional support in the form of implementation grants shall be offered to schools on a schedule to be determined by the office of ((~~[the]~~)) the superintendent of public instruction, in consultation with the department of ((~~early learning~~)) children, youth, and families.

(4) Until full statewide implementation of all-day kindergarten programs, the superintendent of public instruction, in consultation with the ((~~director~~)) secretary of the department of ((~~early learning~~)) children, youth, and families, may grant annual, renewable waivers from the requirement of subsection (1) of this section to administer the Washington kindergarten inventory of developing skills. A school district seeking a waiver for one or more of its schools must submit an application to the office of the superintendent of public instruction that includes:

(a) A description of the kindergarten readiness assessment and transition processes that it proposes to administer instead of the Washington kindergarten inventory of developing skills;

(b) An explanation of why the administration of the Washington kindergarten inventory of developing skills would be unduly burdensome; and

(c) An explanation of how administration of the alternative kindergarten readiness assessment will support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction.

Sec. 2. RCW 74.09.470 and 2011 1st sp.s. c 33 s 2 are each amended to read as follows:

(1) Consistent with the goals established in RCW 74.09.402, through the apple health for kids program authorized in this section, the authority shall provide affordable health care coverage to children under the age of nineteen who reside in Washington state and whose family income at the time of enrollment is not greater than two hundred fifty percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, and effective January 1, 2009, and only to the extent that funds are specifically appropriated therefor, to children whose family income is not greater than three hundred percent of the federal poverty level. In administering the program, the authority shall take such actions as may be necessary to ensure the receipt of federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available in the future. The authority and the

caseload forecast council shall estimate the anticipated caseload and costs of the program established in this section.

(2) The authority shall accept applications for enrollment for children's health care coverage; establish appropriate minimum-enrollment periods, as may be necessary; and determine eligibility based on current family income. The authority shall make eligibility determinations within the time frames for establishing eligibility for children on medical assistance, as defined by RCW 74.09.510. The application and annual renewal processes shall be designed to minimize administrative barriers for applicants and enrolled clients, and to minimize gaps in eligibility for families who are eligible for coverage. If a change in family income results in a change in the source of funding for coverage, the authority shall transfer the family members to the appropriate source of funding and notify the family with respect to any change in premium obligation, without a break in eligibility. The authority shall use the same eligibility redetermination and appeals procedures as those provided for children on medical assistance programs. The authority shall modify its eligibility renewal procedures to lower the percentage of children failing to annually renew. The authority shall manage its outreach, application, and renewal procedures with the goals of: (a) Achieving year by year improvements in enrollment, enrollment rates, renewals, and renewal rates; (b) maximizing the use of existing program databases to obtain information related to earned and unearned income for purposes of eligibility determination and renewals, including, but not limited to, the basic food program, the child care subsidy program, federal social security administration programs, and the employment security department wage database; (c) streamlining renewal processes to rely primarily upon data matches, online submissions, and telephone interviews; and (d) implementing any other eligibility determination and renewal processes to allow the state to receive an enhanced federal matching rate and additional federal outreach funding available through the federal children's health insurance program reauthorization act of 2009 by January 2010. The department shall advise the governor and the legislature regarding the status of these efforts by September 30, 2009. The information provided should include the status of the department's efforts, the anticipated impact of those efforts on enrollment, and the costs associated with that enrollment.

(3) To ensure continuity of care and ease of understanding for families and health care providers, and to maximize the efficiency of the program, the amount, scope, and duration of health care services provided to children under this section shall be the same as that provided to children under medical assistance, as defined in RCW 74.09.520.

(4) The primary mechanism for purchasing health care coverage under this section shall be through contracts with managed health care systems as defined in RCW 74.09.522, subject to conditions, limitations, and appropriations provided in the biennial appropriations act. However, the authority shall make every effort within available resources to purchase health care coverage for uninsured children whose families have access to dependent coverage through an employer-sponsored health plan or another source when it is cost-effective for the state to do so, and the purchase is consistent with requirements of Title XIX and Title XXI of the federal social security act. To the extent allowable under federal law, the authority shall require families to enroll in available employer-

sponsored coverage, as a condition of participating in the program established under this section, when it is cost-effective for the state to do so. Families who enroll in available employer- sponsored coverage under this section shall be accounted for separately in the annual report required by RCW 74.09.053.

(5)(a) To reflect appropriate parental responsibility, the authority shall develop and implement a schedule of premiums for children's health care coverage due to the authority from families with income greater than two hundred percent of the federal poverty level. For families with income greater than two hundred fifty percent of the federal poverty level, the premiums shall be established in consultation with the senate majority and minority leaders and the speaker and minority leader of the house of representatives. For children eligible for coverage under the federally funded children's health insurance program, Title XXI of the federal social security act, premiums shall be set at a reasonable level that does not pose a barrier to enrollment. The amount of the premium shall be based upon family income and shall not exceed the premium limitations in Title XXI of the federal social security act. For children who are not eligible for coverage under the federally funded children's health insurance program, premiums shall be set every two years in an amount no greater than the average state-only share of the per capita cost of coverage in the state-funded children's health program.

(b) Premiums shall not be imposed on children in households at or below two hundred percent of the federal poverty level as articulated in RCW 74.09.055.

(c) Beginning no later than January 1, 2010, the authority shall offer families whose income is greater than three hundred percent of the federal poverty level the opportunity to purchase health care coverage for their children through the programs administered under this section without an explicit premium subsidy from the state. The design of the health benefit package offered to these children should provide a benefit package substantially similar to that offered in the apple health for kids program, and may differ with respect to cost-sharing, and other appropriate elements from that provided to children under subsection (3) of this section including, but not limited to, application of preexisting conditions, waiting periods, and other design changes needed to offer affordable coverage. The amount paid by the family shall be in an amount equal to the rate paid by the state to the managed health care system for coverage of the child, including any associated and administrative costs to the state of providing coverage for the child. Any pooling of the program enrollees that results in state fiscal impact must be identified and brought to the legislature for consideration.

(6) The authority shall undertake and continue a proactive, targeted outreach and education effort with the goal of enrolling children in health coverage and improving the health literacy of youth and parents. The authority shall collaborate with the department of social and health services, department of health, local public health jurisdictions, the office of the superintendent of public instruction, the department of ((~~early learning~~)) children, youth, and families, health educators, health care providers, health carriers, community-based organizations, and parents in the design and development of this effort. The outreach and education effort shall include the following components:

(a) Broad dissemination of information about the availability of coverage, including media campaigns;

(b) Assistance with completing applications, and community-based outreach efforts to help people apply for coverage. Community-based outreach efforts should be targeted to the populations least likely to be covered;

(c) Use of existing systems, such as enrollment information from the free and reduced-price lunch program, the department of ((~~early learning~~)) children, youth, and families child care subsidy program, the department of health's women, infants, and children program, and the early childhood education and assistance program, to identify children who may be eligible but not enrolled in coverage;

(d) Contracting with community-based organizations and government entities to support community-based outreach efforts to help families apply for coverage. These efforts should be targeted to the populations least likely to be covered. The authority shall provide informational materials for use by government entities and community-based organizations in their outreach activities, and should identify any available federal matching funds to support these efforts;

(e) Development and dissemination of materials to engage and inform parents and families statewide on issues such as: The benefits of health insurance coverage; the appropriate use of health services, including primary care provided by health care practitioners licensed under chapters 18.71, 18.57, 18.36A, and 18.79 RCW, and emergency services; the value of a medical home, well-child services and immunization, and other preventive health services with linkages to department of health child profile efforts; identifying and managing chronic conditions such as asthma and diabetes; and the value of good nutrition and physical activity;

(f) An evaluation of the outreach and education efforts, based upon clear, cost-effective outcome measures that are included in contracts with entities that undertake components of the outreach and education effort;

(g) An implementation plan to develop online application capability that is integrated with the automated client eligibility system, and to develop data linkages with the office of the superintendent of public instruction for free and reduced-price lunch enrollment information and the department of ((~~early learning~~)) children, youth, and families for child care subsidy program enrollment information.

(7) The authority shall take action to increase the number of primary care physicians providing dental disease preventive services including oral health screenings, risk assessment, family education, the application of fluoride varnish, and referral to a dentist as needed.

(8) The department shall monitor the rates of substitution between private-sector health care coverage and the coverage provided under this section.

Sec. 3. RCW 43.63A.068 and 2009 c 518 s 18 are each amended to read as follows:

(1)(a) The department of ((~~community, trade, and economic development~~)) commerce shall establish an advisory committee to monitor, guide, and report on recommendations relating to policies and programs for children and families with incarcerated parents.

(b) The advisory committee shall include representatives of the department of corrections, the department of social and health services, the department of ((~~early learning~~)) children, youth, and families, the office of the superintendent of public instruction, representatives of the private nonprofit and business sectors, child advocates, representatives of Washington state Indian tribes as defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), court administrators, the administrative office of the courts, the Washington association of sheriffs and police chiefs, jail administrators, the office of the governor, and others who have an interest in these issues.

(c) The advisory committee shall:

(i) Gather the data collected by the departments as required in RCW 72.09.495, 74.04.800, ((~~43.215.065~~)) 43.216.060, and 28A.300.520;

(ii) Monitor and provide consultation on the implementation of recommendations contained in the 2006 children of incarcerated parents report;

(iii) Identify areas of need and develop recommendations for the legislature, the department of social and health services, the department of corrections, the department of ((~~early learning~~)) children, youth, and families, and the office of the superintendent of public instruction to better meet the needs of children and families of persons incarcerated in department of corrections facilities; and

(iv) Advise the department of ((~~community, trade, and economic development~~)) commerce regarding community programs the department should fund with moneys appropriated for this purpose in the operating budget. The advisory committee shall provide recommendations to the department regarding the following:

(A) The goals for geographic distribution of programs and funding;

(B) The scope and purpose of eligible services and the priority of such services;

(C) Grant award funding limits;

(D) Entities eligible to apply for the funding;

(E) Whether the funding should be directed towards starting or supporting new programs, expanding existing programs, or whether the funding should be open to all eligible services and providers; and

(F) Other areas the advisory committee determines appropriate.

(d) The children of incarcerated parents advisory committee shall update the legislature and governor biennially on committee activities, with the first update due by January 1, 2010.

(2) The department of ((~~community, trade, and economic development~~)) commerce shall select community programs or services to receive funding that focus on children and families of inmates incarcerated in a department of corrections facility and sustaining the family during the period of the inmate's incarceration.

(a) Programs or services which meet the needs of the children of incarcerated parents should be the greatest consideration in the programs that are identified by the department.

(b) The department shall consider the recommendations of the advisory committee regarding which services or programs the department should fund.

(c) The programs selected shall collaborate with an agency, or agencies, experienced in providing services to aid families and victims of sexual assault and domestic violence to ensure that the programs identify families who have a

history of sexual assault or domestic violence and ensure the services provided are appropriate for the children and families.

Sec. 4. RCW 43.63A.066 and 2006 c 265 s 212 are each amended to read as follows:

The department of ((~~early learning~~)) children, youth, and families shall have primary responsibility for providing child abuse and neglect prevention training to preschool age children participating in the federal head start program or the early childhood education and assistance program established under RCW 28A.215.010 through 28A.215.050, ((~~43.215.400~~)) 43.216.500 through ((~~43.215.450~~)) 43.216.550, 43.216.900, and ((~~43.215.900 through 43.215.903~~)) 43.216.901.

Sec. 5. RCW 43.31.571 and 2017 3rd sp.s. c 12 s 5 are each amended to read as follows:

(1) The department, in consultation with the department of ((~~early learning~~)) children, youth, and families, shall oversee the early learning facilities revolving account and the early learning facilities development account, and is the lead state agency for the early learning facilities grant and loan program.

(2) It is the intent of the legislature that state funds invested in the accounts be matched by private or local government funding. Every effort shall be made to maximize funding available for early learning facilities from public schools, community colleges, ((~~education[al]~~)) educational service districts, local governments, and private funders.

(3) Amounts used for program administration by the department may not exceed an average of four percent of the appropriated funds.

(4) Commitment of state funds for construction, purchase, or renovation of early learning facilities may be given only after private or public match funds are committed. Private or public match funds may consist of cash, equipment, land, buildings, or like-kind. In determining the level of match required, the department shall take into consideration the financial need of the applicant and the economic conditions of the location of the proposed facility.

Sec. 6. RCW 41.06.097 and 2006 c 265 s 110 are each amended to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the department of ((~~early learning~~)) children, youth, and families to the ((~~director~~)) secretary, the ((~~director's~~)) secretary's personal secretary, and any other exempt staff members provided for in RCW ((~~43.215.030~~)) 43.216.025(2).

Sec. 7. RCW 74.12.340 and 2006 c 265 s 208 are each amended to read as follows:

(1) The department is authorized to adopt rules governing the provision of day care as a part of child welfare services when the secretary determines that a need exists for such day care and that it is in the best interests of the child, the parents, or the custodial parent and in determining the need for such day care priority shall be given to geographical areas having the greatest need for such care and to members of low-income groups in the population((~~: PROVIDED, That where~~)). If the family is financially able to pay part or all of the costs of such care, fees shall be imposed and paid according to the financial ability of the family.

(2) This section does not affect the authority of the department of ((~~early learning~~)) children, youth, and families to adopt rules governing child day care and early learning programs.

Sec. 8. RCW 74.08A.260 and 2017 3rd sp.s. c 21 s 1 are each amended to read as follows:

(1) Each recipient shall be assessed after determination of program eligibility and before referral to job search. Assessments shall be based upon factors that are critical to obtaining employment, including but not limited to education, availability of child care, history of family violence, history of substance abuse, and other factors that affect the ability to obtain employment. Assessments may be performed by the department or by a contracted entity. The assessment shall be based on a uniform, consistent, transferable format that will be accepted by all agencies and organizations serving the recipient.

(2) Based on the assessment, an individual responsibility plan shall be prepared that: (a) Sets forth an employment goal and a plan for maximizing the recipient's success at meeting the employment goal; (b) considers WorkFirst educational and training programs from which the recipient could benefit; (c) contains the obligation of the recipient to participate in the program by complying with the plan; (d) moves the recipient into full-time WorkFirst activities as quickly as possible; and (e) describes the services available to the recipient either during or after WorkFirst to enable the recipient to obtain and keep employment and to advance in the workplace and increase the recipient's wage earning potential over time.

(3) Recipients who are not engaged in work and work activities, and do not qualify for a good cause exemption under RCW 74.08A.270, shall engage in self-directed service as provided in RCW 74.08A.330.

(4) If a recipient refuses to engage in work and work activities required by the department, the family's grant shall be reduced by the recipient's share, and may, if the department determines it appropriate, be terminated.

(5) The department may waive the penalties required under subsection (4) of this section, subject to a finding that the recipient refused to engage in work for good cause provided in RCW 74.08A.270.

(6) In consultation with the recipient, the department or contractor shall place the recipient into a work activity that is available in the local area where the recipient resides.

(7) Assessments conducted under this section shall include a consideration of the potential benefit to the recipient of engaging in financial literacy activities. The department shall consider the options for financial literacy activities available in the community, including information and resources available through the financial education public-private partnership created under RCW 28A.300.450. The department may authorize up to ten hours of financial literacy activities as a core activity or an optional activity under WorkFirst.

(8)(a) Subsections (2) through (6) of this section are suspended for a recipient who is a parent or other relative personally providing care for a child under the age of two years. This suspension applies to both one and two parent families. However, both parents in a two-parent family cannot use the suspension during the same month. Nothing in this subsection shall prevent a recipient from participating in the WorkFirst program on a voluntary basis.

(b)(i) The period of suspension of work activities under this subsection provides an opportunity for the legislative and executive branches to oversee redesign of the WorkFirst program. To realize this opportunity, both during the period of suspension and following reinstatement of work activity requirements as redesign is being implemented, a legislative-executive WorkFirst oversight task force is established, with members as provided in this subsection (8)(b).

(ii) The president of the senate shall appoint two members from each of the two largest caucuses of the senate.

(iii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.

(iv) The governor shall appoint members representing the department of social and health services, the department of ((~~early learning~~)) children, youth, and families, the department of commerce, the employment security department, the office of financial management, and the state board for community and technical colleges.

(v) The task force shall choose cochairs, one from among the legislative members and one from among the executive branch members. The legislative members shall convene the initial meeting of the task force.

(c) The task force shall:

(i) Oversee the partner agencies' implementation of the redesign of the WorkFirst program and operation of the temporary assistance for needy families program to ensure that the programs are achieving desired outcomes for their clients;

(ii) Determine evidence-based outcome measures for the WorkFirst program, including measures related to equitably serving the needs of historically underrepresented populations, such as English language learners, immigrants, refugees, and other diverse communities;

(iii) Develop accountability measures for WorkFirst recipients and the state agencies responsible for their progress toward self-sufficiency;

(iv) Make recommendations to the governor and the legislature regarding:

(A) Policies to improve the effectiveness of the WorkFirst program over time;

(B) Early identification of those recipients most likely to experience long stays on the program and strategies to improve their ability to achieve progress toward self-sufficiency; and

(C) Necessary changes to the program, including taking into account federal changes to the temporary assistance for needy families program.

(d) The partner agencies must provide the task force with regular reports on:

(i) The partner agencies' progress toward meeting the outcome and performance measures established under (c) of this subsection;

(ii) Caseload trends and program expenditures, and the impact of those trends and expenditures on client services, including services to historically underrepresented populations; and

(iii) The characteristics of families who have been unsuccessful on the program and have lost their benefits either through sanction or the sixty-month time limit.

(e) Staff support for the task force must be provided by senate committee services, the house of representatives office of program research, and the state agency members of the task force.

(f) The task force shall meet on a quarterly basis beginning September 2011, or as determined necessary by the task force cochairs.

(g) During its tenure, the state agency members of the task force shall respond in a timely manner to data requests from the cochairs.

Sec. 9. RCW 74.04.014 and 2013 c 23 s 193 are each amended to read as follows:

(1) In carrying out the provisions of this chapter, the office of fraud and accountability shall have prompt access to all individuals, records, electronic data, reports, audits, reviews, documents, and other materials available to the department of revenue, department of labor and industries, department of ((~~early learning~~)) children, youth, and families, employment security department, department of licensing, and any other government entity that can be used to help facilitate investigations of fraud or abuse as determined necessary by the director of the office of fraud and accountability.

(2) The investigator shall have access to all original child care records maintained by licensed and unlicensed child care providers with the consent of the provider or with a court order or valid search warrant.

(3) Information gathered by the department, the office, or the fraud ombuds shall be safeguarded and remain confidential as required by applicable state or federal law. Whenever information or assistance requested under subsection (1) or (2) of this section is, in the judgment of the director, unreasonably refused or not provided, the director of the office of fraud and accountability must report the circumstances to the secretary immediately.

Sec. 10. RCW 70.305.020 and 2011 1st sp.s. c 32 s 3 are each amended to read as follows:

(1)(a) The secretary of the department of social and health services and the ((~~director~~)) secretary of the department of ((~~early learning~~)) children, youth, and families shall actively participate in the development of a nongovernmental private-public initiative focused on coordinating government and philanthropic organizations' investments in the positive development of children and preventing and mitigating the effects of adverse childhood experiences. The ((~~secretary and director~~)) secretaries shall convene a planning group to work with interested private partners to: (i) Develop a process by which the goals identified in RCW 70.305.005 shall be met; and (ii) develop recommendations for inclusive and diverse governance to advance the adverse childhood experiences initiative.

(b) The ((~~secretary and director~~)) secretaries shall select no more than twelve to fifteen persons as members of the planning group. The members selected must represent a diversity of interests including: Early learning coalitions, community public health and safety networks, organizations that work to prevent and address child abuse and neglect, tribes, representatives of public agency agencies involved with interventions in or prevention of adverse childhood experiences, philanthropic organizations, and organizations focused on community mobilization.

(c) The ((~~secretary and director~~)) secretaries shall cochair the planning group meetings and shall convene the first meeting.

(2) ((~~The planning group shall submit a report on its progress and recommendations to the appropriate legislative committees no later than December 15, 2011.~~

~~(3)~~)) In addition to other powers granted to the secretary of the department of social and health services, the secretary of the department of social and health services may:

(a) Enter into contracts on behalf of the department of social and health services to carry out the purposes of this chapter;

(b) Provide funding to communities or any governance entity that is created as a result of the partnership; and

(c) Accept gifts, grants, or other funds for the purposes of this chapter.

Sec. 11. RCW 70.305.010 and 2011 1st sp.s. c 32 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adverse childhood experiences" means the following indicators of severe childhood stressors and family dysfunction that, when experienced in the first eighteen years of life and taken together, are proven by public health research to be powerful determinants of physical, mental, social, and behavioral health across the lifespan: Child physical abuse; child sexual abuse; child emotional abuse; child emotional or physical neglect; alcohol or other substance abuse in the home; mental illness, depression, or suicidal behaviors in the home; incarceration of a family member; witnessing intimate partner violence; and parental divorce or separation. Adverse childhood experiences have been demonstrated to affect the development of the brain and other major body systems.

(2) "Community public health and safety networks" or "networks" means the organizations authorized under RCW 70.190.060.

(3) "Department" means the department of social and health services.

(4) ((~~"Director" means the director of the department of early learning.~~

~~(5)~~)) "Evidence-based" has the same meaning as in RCW ((~~43.215.146~~)) 43.216.141.

(((~~(6)~~))) (5) "Research-based" has the same meaning as in RCW ((~~43.215.146~~)) 43.216.141.

(((~~(7)~~))) (6) "Secretary" means the secretary of social and health services.

(7) "Secretary of children, youth, and families" means the secretary of the department of children, youth, and families.

Sec. 12. RCW 70.198.020 and 2010 c 233 s 2 are each amended to read as follows:

(1) There is established an advisory council in the department of social and health services for the purpose of advancing the development of a comprehensive and effective statewide system to provide prompt and effective early interventions for children in the state who are deaf or hard of hearing and their families.

(2) Members of the advisory council shall have training, experience, or interest in hearing loss in children. Membership shall include, but not be limited to, the following: Pediatricians; audiologists; teachers of the deaf and hard of hearing; parents of children who are deaf or hard of hearing; a representative

from the Washington state center for childhood deafness and hearing loss; and representatives of the early support for infants and toddlers program in the department of ((~~early learning~~)) children, youth, and families, the department of health, and the office of the superintendent of public instruction.

Sec. 13. RCW 43.216.065 and 2017 3rd sp.s. c 6 s 204 are each amended to read as follows:

(1) In addition to other duties under this chapter, the secretary shall actively participate in a nongovernmental private-public partnership focused on supporting government's investments in early learning and ensuring that every child in the state is prepared to succeed in school and in life. Except for licensing as required by Washington state law and to the extent permitted by federal law, the secretary shall grant waivers from the rules of state agencies for the operation of early learning programs requested by the nongovernmental private-public partnership to allow for flexibility to pursue market-based approaches to achieving the best outcomes for children and families.

(2) In addition to other powers granted to the secretary, the secretary may:

(a) Enter into contracts on behalf of the department to carry out the purposes of this chapter;

(b) Accept gifts, grants, or other funds for the purposes of this chapter; and

(c) Adopt, in accordance with chapter 34.05 RCW, rules necessary to implement this chapter, including rules governing child day care and early learning programs under this chapter. This section does not expand the rule-making authority of the ((~~director~~)) secretary beyond that necessary to implement and administer programs and services existing July 1, 2006, as transferred to the department of early learning under section 501, chapter 265, Laws of 2006. The rule-making authority does not include any authority to set mandatory curriculum or establish what must be taught in child day care centers or by family day care providers.

Sec. 14. RCW 43.121.100 and 2011 1st sp.s. c 32 s 5 are each amended to read as follows:

Contributions, grants, or gifts in cash or otherwise, including funds generated by the sale of "heirloom" birth certificates under chapter 70.58 RCW from persons, associations, or corporations and funds generated through the issuance of the "Keep Kids Safe" license plate under chapter 46.18 RCW, shall be deposited in a depository approved by the state treasurer to be known as the children's trust fund. Disbursements of such funds shall be on the authorization of the ((~~director~~)) secretary of the department of ((~~early learning~~)) children, youth, and families beginning July 1, 2012. In order to maintain an effective expenditure and revenue control, such funds shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditure of such funds.

Sec. 15. RCW 43.88C.050 and 2015 c 128 s 3 are each amended to read as follows:

The caseload forecast council shall appoint a research staff of sufficient size and with sufficient resources to accomplish its duties. The caseload forecast council may request from the administrative office of the courts, the department of ((~~early learning~~)) children, youth, and families, the department of corrections, the health care authority, the superintendent of public instruction, the

Washington student achievement council, the department of social and health services, and other agencies with caseloads forecasted by the council, such data, information, and data processing assistance as it may need to accomplish its duties, and such services shall be provided without cost to the caseload forecast council.

Sec. 16. RCW 43.31.583 and 2017 3rd sp.s. c 12 s 11 are each amended to read as follows:

When funding is provided in the previous biennium, the department, in collaboration with the department of ((~~early learning~~)) children, youth, and families, shall submit a report no later than December 1st of even-numbered years, to the governor and the appropriate committees of the legislature that provides an update on the status of the early learning facilities grant and loan program that includes, but is not limited to:

(1) The total amount of funds, by grant and loan, spent or contracted to be spent; and

(2) A list of projects awarded funding including, but not limited to, information about whether the project is a renovation or new construction or some other category, where the project is located, and the number of slots the project supports.

Sec. 17. RCW 43.31.581 and 2017 3rd sp.s. c 12 s 10 are each amended to read as follows:

(1) The department shall convene a committee of early learning facilities experts to advise the department regarding the prioritization methodology of applications for projects described in RCW 43.31.577 including no less than one representative each from the department of ((~~early learning~~)) children, youth, and families, the Washington state housing finance commission, an organization certified by the community development financial institutions fund, and the office of the superintendent of public instruction.

(2) When developing a prioritization methodology under this section, the committee shall consider, but is not limited to:

(a) Projects that add part-day, full-day, or extended day early childhood education and assistance program slots in areas with the highest unmet need;

(b) Projects benefiting low-income children;

(c) Projects located in low-income neighborhoods;

(d) Projects that provide more access to the early childhood education and assistance program as a ratio of the children eligible to participate in the program;

(e) Projects that are geographically disbursed relative to statewide need;

(f) Projects that include new or renovated kitchen facilities equipped to support the use of from scratch, modified scratch, or other cooking methods that enhance overall student nutrition;

(g) Projects that balance mixed-use development and rural locations; and

(h) Projects that maximize resources available from the state with funding from other public and private organizations, including the use of state lands or facilities.

(3) Committee members shall serve without compensation, but may request reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) Committee members are not liable to the state, the early learning facilities revolving account, the early learning facilities development account, or to any other person, as a result of their activities, whether ministerial or discretionary, as members except for willful dishonesty or intentional violation of the law.

(5) The department may purchase liability insurance for members and may indemnify these persons against the claims of others.

Sec. 18. RCW 43.31.575 and 2017 3rd sp.s. c 12 s 7 are each amended to read as follows:

(1) Organizations eligible to receive funding from the early learning facilities grant and loan program include:

(a) Early childhood education and assistance program providers;

(b) Working connections child care providers who are eligible to receive state subsidies;

(c) Licensed early learning centers not currently participating in the early childhood education and assistance program, but intending to do so;

(d) Developers of housing and community facilities;

(e) Community and technical colleges;

(f) Educational service districts;

(g) Local governments;

(h) Federally recognized tribes in the state; and

(i) Religiously affiliated entities.

(2) To be eligible to receive funding from the early learning facilities grant and loan program for activities described in RCW 43.31.577 (1) (b) and (c) and (2), eligible organizations and school districts must:

(a) Commit to being an active participant in good standing with the early achievers program as defined by chapter ((~~43.215~~)) 43.216 RCW;

(b) Demonstrate that projects receiving construction, purchase, or renovation grants or loans less than two hundred thousand dollars must also:

(i) Demonstrate that the project site is under the applicant's control for a minimum of ten years, either through ownership or a long-term lease; and

(ii) Commit to using the facility funded by the grant or loan for the purposes of providing preschool or child care for a minimum of ten years;

(c) Demonstrate that projects receiving construction, purchase, or renovation grants or loans of two hundred thousand dollars or more must also:

(i) Demonstrate that the project site is under the applicant's control for a minimum of twenty years, either through ownership or a long-term lease; and

(ii) Commit to using the facility funded by the grant or loan for the purposes of providing preschool or child care for a minimum of twenty years.

(3) To be eligible to receive funding from the early learning facilities grant and loan program for activities described in RCW 43.31.577 (1) (b) and (c) and (2), religiously affiliated entities must use the facility to provide child care and education services consistent with subsection (4)(a) of this section.

(4)(a) Upon receiving a grant or loan, the recipient must continue to be an active participant and in good standing with the early achievers program.

(b) If the recipient does not meet the conditions specified in (a) of this subsection, the grants shall be repaid to the early learning facilities revolving account or the early learning facilities development account, as directed by the department. So long as an eligible organization continues to provide an early

learning program in the facility, the facility is used as authorized, and the eligible organization continues to be an active participant and in good standing with the early achievers program, the grant repayment is waived.

(c) The department, in consultation with the department of ((~~early learning~~)) children, youth, and families, must adopt rules to implement this section.

Sec. 19. RCW 43.20.275 and 2006 c 239 s 3 are each amended to read as follows:

(1) In collaboration with staff whom the office of financial management may assign, and within funds made expressly available to the state board for these purposes, the state board shall assist the governor by convening and providing assistance to the council. The council shall include one representative from each of the following groups: Each of the commissions, the state board, the department, the department of social and health services, the department of ((~~community, trade, and economic development~~)) commerce, the health care authority, the department of agriculture, the department of ecology, the office of the superintendent of public instruction, the department of ((~~early learning~~)) children, youth, and families, the workforce training and education coordinating board, and two members of the public who will represent the interests of health care consumers. The council is a class one group under RCW 43.03.220. The two public members shall be paid per diem and travel expenses in accordance with RCW 43.03.050 and 43.03.060. The council shall reflect diversity in race, ethnicity, and gender. The governor or the governor's designee shall chair the council.

(2) The council shall promote and facilitate communication, coordination, and collaboration among relevant state agencies and communities of color, and the private sector and public sector, to address health disparities. The council shall conduct public hearings, inquiries, studies, or other forms of information gathering to understand how the actions of state government ameliorate or contribute to health disparities. All state agencies must cooperate with the council's efforts.

(3) The council with assistance from the state board, shall assess through public hearings, review of existing data, and other means, and recommend initiatives for improving the availability of culturally appropriate health literature and interpretive services within public and private health-related agencies.

(4) In order to assist with its work, the council shall establish advisory committees to assist in plan development for specific issues and shall include members of other state agencies and local communities.

(5) The advisory committee shall reflect diversity in race, ethnicity, and gender.

Sec. 20. RCW 42.48.010 and 2007 c 17 s 6 are each amended to read as follows:

For the purposes of this chapter, the following definitions apply:

(1) "Individually identifiable" means that a record contains information which reveals or can likely be associated with the identity of the person or persons to whom the record pertains.

(2) "Legally authorized representative" means a person legally authorized to give consent for the disclosure of personal records on behalf of a minor or a legally incompetent adult.

(3) "Personal record" means any information obtained or maintained by a state agency which refers to a person and which is declared exempt from public disclosure, confidential, or privileged under state or federal law.

(4) "Research" means a planned and systematic sociological, psychological, epidemiological, biomedical, or other scientific investigation carried out by a state agency, by a scientific research professional associated with a bona fide scientific research organization, or by a graduate student currently enrolled in an advanced academic degree curriculum, with an objective to contribute to scientific knowledge, the solution of social and health problems, or the evaluation of public benefit and service programs. This definition excludes methods of record analysis and data collection that are subjective, do not permit replication, and are not designed to yield reliable and valid results.

(5) "Research record" means an item or grouping of information obtained for the purpose of research from or about a person or extracted for the purpose of research from a personal record.

(6) "State agency" means: (a) The department of social and health services; (b) the department of corrections; (c) an institution of higher education as defined in RCW 28B.10.016; (d) the department of health; or (e) the department of ((~~early learning~~)) children, youth, and families.

Sec. 21. RCW 41.04.385 and 2011 1st sp.s. c 43 s 433 are each amended to read as follows:

The legislature finds that (1) demographic, economic, and social trends underlie a critical and increasing demand for child care in the state of Washington; (2) working parents and their children benefit when the employees' child care needs have been resolved; (3) the state of Washington should serve as a model employer by creating a supportive atmosphere, to the extent feasible, in which its employees may meet their child care needs; and (4) the state of Washington should encourage the development of partnerships between state agencies, state employees, state employee labor organizations, and private employers to expand the availability of affordable quality child care. The legislature finds further that resolving employee child care concerns not only benefits the employees and their children, but may benefit the employer by reducing absenteeism, increasing employee productivity, improving morale, and enhancing the employer's position in recruiting and retaining employees. Therefore, the legislature declares that it is the policy of the state of Washington to assist state employees by creating a supportive atmosphere in which they may meet their child care needs. Policies and procedures for state agencies to address employee child care needs will be the responsibility of the director of enterprise services in consultation with the ((~~director~~)) secretary of the department of ((~~early learning~~)) children, youth, and families and state employee representatives.

Sec. 22. RCW 36.70A.450 and 2007 c 17 s 13 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, no county or city may enact, enforce, or maintain an ordinance, development regulation,

zoning regulation, or official control, policy, or administrative practice that prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.

(2) A county or city may require that the facility: (a) Comply with all building, fire, safety, health code, and business licensing requirements; (b) conform to lot size, building size, setbacks, and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure; (c) is certified by the department of ((~~early learning~~)) children, youth, and families licensor as providing a safe passenger loading area; (d) include signage, if any, that conforms to applicable regulations; and (e) limit hours of operations to facilitate neighborhood compatibility, while also providing appropriate opportunity for persons who use family day-care and who work a nonstandard work shift.

(3) A county or city may also require that the family day-care provider, before state licensing, require proof of written notification by the provider that the immediately adjoining property owners have been informed of the intent to locate and maintain such a facility. If a dispute arises between neighbors and the family day-care provider over licensing requirements, the licensor may provide a forum to resolve the dispute.

(4) Nothing in this section shall be construed to prohibit a county or city from imposing zoning conditions on the establishment and maintenance of a family day-care provider's home in an area zoned for residential or commercial use, so long as such conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone and the establishment of such facilities is not precluded. As used in this section, "family day-care provider" is as defined in RCW ((~~43.215.010~~)) 43.216.010.

Sec. 23. RCW 36.70.757 and 2007 c 17 s 12 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, no county may enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice that prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's facility serving twelve or fewer children.

(2) A county may require that the facility: (a) Comply with all building, fire, safety, health code, and business licensing requirements; (b) conform to lot size, building size, setbacks, and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure; (c) is certified by the department of ((~~early learning~~)) children, youth, and families licensor as providing a safe passenger loading area; (d) include signage, if any, that conforms to applicable regulations; and (e) limit hours of operations to facilitate neighborhood compatibility, while also providing appropriate opportunity for persons who use family day-care who work a nonstandard work shift.

(3) A county may also require that the family day-care provider, before state licensing, require proof of written notification by the provider that the immediately adjoining property owners have been informed of the intent to locate and maintain such a facility. If a dispute arises between neighbors and the day-care provider over licensing requirements, the licensor may provide a forum to resolve the dispute.

(4) This section may not be construed to prohibit a county from imposing zoning conditions on the establishment and maintenance of a family day-care provider's home serving twelve or fewer children in an area zoned for residential or commercial use, if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone and the establishment of such facilities is not precluded. As used in this section, "family day-care provider" is as defined in RCW ((~~43.215.010~~)) 43.216.010.

Sec. 24. RCW 35A.63.215 and 2007 c 17 s 11 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, no city may enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice that prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.

(2) A city may require that the facility: (a) Comply with all building, fire, safety, health code, and business licensing requirements; (b) conform to lot size, building size, setbacks, and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure; (c) is certified by the department of ((~~early learning~~)) children, youth, and families licensor as providing a safe passenger loading area; (d) include signage, if any, that conforms to applicable regulations; and (e) limit hours of operations to facilitate neighborhood compatibility, while also providing appropriate opportunity for persons who use family day-care and who work a nonstandard work shift.

(3) A city may also require that the family day-care provider, before state licensing, require proof of written notification by the provider that the immediately adjoining property owners have been informed of the intent to locate and maintain such a facility. If a dispute arises between neighbors and the family day-care provider over licensing requirements, the licensor may provide a forum to resolve the dispute.

(4) Nothing in this section shall be construed to prohibit a city from imposing zoning conditions on the establishment and maintenance of a family day-care provider's home in an area zoned for residential or commercial use, so long as such conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone and the establishment of such facilities is not precluded. As used in this section, "family day-care provider" is as defined in RCW ((~~43.215.010~~)) 43.216.010.

Sec. 25. RCW 35.63.185 and 2007 c 17 s 10 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, no city may enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice that prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.

(2) A city may require that the facility: (a) Comply with all building, fire, safety, health code, and business licensing requirements; (b) conform to lot size, building size, setbacks, and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure; (c) is certified by the department of ((~~early learning~~)) children, youth, and families licensor as

providing a safe passenger loading area; (d) include signage, if any, that conforms to applicable regulations; and (e) limit hours of operations to facilitate neighborhood compatibility, while also providing appropriate opportunity for persons who use family day-care and who work a nonstandard work shift.

(3) A city may also require that the family day-care provider, before state licensing, require proof of written notification by the provider that the immediately adjoining property owners have been informed of the intent to locate and maintain such a facility. If a dispute arises between neighbors and the family day-care provider over licensing requirements, the licensor may provide a forum to resolve the dispute.

(4) Nothing in this section shall be construed to prohibit a city from imposing zoning conditions on the establishment and maintenance of a family day-care provider's home in an area zoned for residential or commercial use, so long as such conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone and the establishment of such facilities is not precluded. As used in this section, "family day-care provider" is as defined in RCW ((~~43.215.010~~)) 43.216.010.

Sec. 26. RCW 35.21.688 and 2007 c 17 s 9 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, no city or town may enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice that prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's facility serving twelve or fewer children.

(2) A city or town may require that the facility: (a) Comply with all building, fire, safety, health code, and business licensing requirements; (b) conform to lot size, building size, setbacks, and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure; (c) is certified by the department of ((~~early learning~~)) children, youth, and families licensor as providing a safe passenger loading area; (d) include signage, if any, that conforms to applicable regulations; and (e) limit hours of operations to facilitate neighborhood compatibility, while also providing appropriate opportunity for persons who use family day-care who work a nonstandard work shift.

(3) A city or town may also require that the family day-care provider, before state licensing, require proof of written notification by the provider that the immediately adjoining property owners have been informed of the intent to locate and maintain such a facility. If a dispute arises between neighbors and the day-care provider over licensing requirements, the licensor may provide a forum to resolve the dispute.

(4) This section may not be construed to prohibit a city or town from imposing zoning conditions on the establishment and maintenance of a family day-care provider's home serving twelve or fewer children in an area zoned for residential or commercial use, if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone and the establishment of such facilities is not precluded. As used in this section, "family day-care provider" is as defined in RCW ((~~43.215.010~~)) 43.216.010.

Sec. 27. RCW 28B.77.005 and 2012 c 229 s 101 are each amended to read as follows:

(1) On July 1, 2012, the higher education coordinating board is abolished and the student achievement council is created.

(2) The council is composed of nine voting members as provided in this subsection.

(a) Five citizen members shall be appointed by the governor with the consent of the senate. One of the citizen members shall be a student. The citizen members shall be selected based on their knowledge of or experience in higher education. In making appointments to the council, the governor shall give consideration to citizens representing labor, business, women, and racial and ethnic minorities, as well as geographic representation, to ensure that the council's membership reflects the state's diverse population. The citizen members shall serve for four-year terms except for the student member, who shall serve for one year; however, the terms of the initial members shall be staggered.

(b) A representative of an independent nonprofit higher education institution as defined in RCW 28B.07.020(4), selected by an association of independent nonprofit baccalaureate degree-granting institutions. The representative appointed under this ((~~section~~)) subsection (2)(b) shall excuse himself or herself from voting on matters relating primarily to public institutions of higher education.

(c) Chosen for their recognized ability and innovative leadership experience in broad education policy and system design, a representative of each of the following shall be selected by the respective organizations, who shall serve at the pleasure of the appointing organizations:

(i) A representative of the four-year institutions of higher education as defined in RCW 28B.10.016, selected by the presidents of those institutions;

(ii) A representative of the state's community and technical college system, selected by the state board for community and technical colleges; and

(iii) A representative of the state's K-12 education system, selected by the superintendent of public instruction in consultation with the department of ((~~early learning~~)) children, youth, and families and the state board of education. The representative appointed under this subsection (2)(c)(iii) shall excuse himself or herself from voting on matters relating primarily to institutions of higher education.

(3) The chair shall be selected by the council from among the citizen members appointed to the council. The chair shall serve a one-year term but may serve more than one term if selected to do so by the membership.

(4) The council may create advisory committees on an ad hoc basis for the purpose of obtaining input from students, faculty, and higher education experts and practitioners, citizens, business and industry, and labor, and for the purpose of informing their research, policy, and programmatic functions. Ad hoc advisory committees addressing secondary to postsecondary transitions and university and college admissions requirements must include K-12 sector representatives including teachers, school directors, principals, administrators, and others as the council may direct, in addition to higher education representatives. The council shall maintain a contact list of K-12 and higher education stakeholder organizations to provide notices to stakeholders regarding

the purposes of ad hoc advisory committees, timelines for planned work, means for participation, and a statement of desired outcomes.

(5) Any vacancies on the council shall be filled in the same manner as the original appointments. Appointments to fill vacancies shall be only for such terms as remain unexpired. Any vacancies among council members appointed by the governor shall be filled by the governor subject to confirmation by the senate and shall have full authority to act before the time the senate acts on their confirmation.

Sec. 28. RCW 28A.655.220 and 2011 c 340 s 2 are each amended to read as follows:

Before implementing the Washington kindergarten inventory of developing skills as provided under RCW 28A.150.315, the superintendent of public instruction and the department of ((~~early learning~~)) children, youth, and families must assure that a fairness and bias review of the assessment process has been conducted, including providing an opportunity for input from the ((~~achievement~~)) educational opportunity gap oversight and accountability committee under RCW 28A.300.136 and from an additional diverse group of community representatives, parents, and educators to be convened by the superintendent and the ((~~director~~)) secretary of the department.

Sec. 29. RCW 28A.300.570 and 2013 2nd sp.s. c 18 s 101 are each amended to read as follows:

In support of reading and early literacy, the office of the superintendent of public instruction is responsible for:

(1) Continuing to work collaboratively with state and regional partners such as the department of ((~~early learning~~)) children, youth, and families and the educational service districts to establish early literacy benchmarks and standards and to implement the Washington state comprehensive literacy plan;

(2) Disseminating research and information to school districts about evidence-based programs and practices in reading readiness skills, early literacy, and reading instruction;

(3) Providing statewide models to support school districts that are implementing response to intervention initiatives, positive behavior intervention support systems, or other similar comprehensive models of data-based identification and early intervention; and

(4) Within available funds and in partnership with the educational service districts, providing technical assistance and professional development opportunities for school districts.

Sec. 30. RCW 28A.188.040 and 2013 2nd sp.s. c 25 s 3 are each amended to read as follows:

(1) The STEM education innovation alliance shall develop a STEM education report card, based on the STEM framework for action and accountability, to monitor progress in increasing learning opportunities and aligning strategic plans and activities in order to prepare students for STEM-related jobs and careers, with the longer-term goal of improving educational, workforce, and economic outcomes in STEM.

(2) The report card must:

(a) Illustrate the most recent data for the indicators and measures of the STEM framework for action and accountability;

(b) Provide information from state education agencies that indicates the extent that activities and resources are aligned with and support the STEM framework for action and accountability;

(c) Provide data regarding current and projected STEM job openings in the state; and

(d) Be prominently displayed on a web site designed for this purpose.

(3)(a) The education data center under RCW 43.41.400 must coordinate data collection and analysis to support the report card.

(b) The state education agencies must annually report on how their policies, activities, and expenditures of public resources align with and support the STEM framework for action and accountability. The focus of the reporting under this subsection is on programs and initiatives specifically identified in law or budget proviso as related to STEM education. The agencies must use a common metric for the reporting, designed by the education data center in consultation with the STEM education innovation alliance. For the purposes of this section, "state education agencies" includes the office of the superintendent of public instruction, the student achievement council, the state board for community and technical colleges, the workforce training and education coordinating board, the professional educator standards board, the state board of education, and the department of ((~~early learning~~)) children, youth, and families.

(c) The employment security department must create an annual report on current and projected job openings in STEM fields and submit the report to the education data center for inclusion in the STEM education report card.

(4) The STEM education innovation alliance must publish the first STEM education report card with baseline data on the identified measures by January 10, 2014, and must update the report card by each January 10th thereafter.

Sec. 31. RCW 28A.175.075 and 2016 c 162 s 1 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall establish a state-level building bridges work group that includes K-12 and state agencies that work with youth who have dropped out or are at risk of dropping out of school. The following agencies shall appoint representatives to the work group: The office of the superintendent of public instruction, the workforce training and education coordinating board, the department of ((~~early learning~~)) children, youth, and families, the employment security department, the state board for community and technical colleges, the department of health, the community mobilization office, and the children's services and behavioral health and recovery divisions of the department of social and health services. The work group should also consist of one representative from each of the following agencies and organizations: A statewide organization representing career and technical education programs including skill centers; the juvenile courts or the office of juvenile justice, or both; the Washington association of prosecuting attorneys; the Washington state office of public defense; accredited institutions of higher education; the educational service districts; the area workforce development councils; parent and educator associations; educational opportunity gap oversight and accountability committee; office of the education ombuds; local school districts; agencies or organizations that provide services to special education students; community organizations serving youth; federally

recognized tribes and urban tribal centers; each of the major political caucuses of the senate and house of representatives; and the minority commissions.

(2) To assist and enhance the work of the building bridges programs established in RCW 28A.175.025, the state-level work group shall:

(a) Identify and make recommendations to the legislature for the reduction of fiscal, legal, and regulatory barriers that prevent coordination of program resources across agencies at the state and local level;

(b) Develop and track performance measures and benchmarks for each partner agency or organization across the state including performance measures and benchmarks based on student characteristics and outcomes specified in RCW 28A.175.035(1)(e); and

(c) Identify research-based and emerging best practices regarding prevention, intervention, and retrieval programs.

(3)(a) The work group shall report to the appropriate committees of the legislature and the governor on an annual basis beginning December 1, 2007, with proposed strategies for building K-12 dropout prevention, intervention, and reengagement systems in local communities throughout the state including, but not limited to, recommendations for implementing emerging best practices, needed additional resources, and eliminating barriers.

(b) By September 15, 2010, the work group shall report on:

(i) A recommended state goal and annual state targets for the percentage of students graduating from high school;

(ii) A recommended state goal and annual state targets for the percentage of youth who have dropped out of school who should be reengaged in education and be college and work ready;

(iii) Recommended funding for supporting career guidance and the planning and implementation of K-12 dropout prevention, intervention, and reengagement systems in school districts and a plan for phasing the funding into the program of basic education, beginning in the 2011-2013 biennium; and

(iv) A plan for phasing in the expansion of the current school improvement planning program to include state-funded, dropout-focused school improvement technical assistance for school districts in significant need of improvement regarding high school graduation rates.

(4) State agencies in the building bridges work group shall work together, wherever feasible, on the following activities to support school/family/community partnerships engaged in building K-12 dropout prevention, intervention, and reengagement systems:

(a) Providing opportunities for coordination and flexibility of program eligibility and funding criteria;

(b) Providing joint funding;

(c) Developing protocols and templates for model agreements on sharing records and data;

(d) Providing joint professional development opportunities that provide knowledge and training on:

(i) Research-based and promising practices;

(ii) The availability of programs and services for vulnerable youth; and

(iii) Cultural competence.

(5) The building bridges work group shall make recommendations to the governor and the legislature by December 1, 2010, on a state-level and regional

infrastructure for coordinating services for vulnerable youth. Recommendations must address the following issues:

(a) Whether to adopt an official conceptual approach or framework for all entities working with vulnerable youth that can support coordinated planning and evaluation;

(b) The creation of a performance-based management system, including outcomes, indicators, and performance measures relating to vulnerable youth and programs serving them, including accountability for the dropout issue;

(c) The development of regional and/or county-level multipartner youth consortia with a specific charge to assist school districts and local communities in building K-12 comprehensive dropout prevention, intervention, and reengagement systems;

(d) The development of integrated or school-based one-stop shopping for services that would:

(i) Provide individualized attention to the neediest youth and prioritized access to services for students identified by a dropout early warning and intervention data system;

(ii) Establish protocols for coordinating data and services, including getting data release at time of intake and common assessment and referral processes; and

(iii) Build a system of single case managers across agencies;

(e) Launching a statewide media campaign on increasing the high school graduation rate; and

(f) Developing a statewide database of available services for vulnerable youth.

Sec. 32. RCW 28A.155.160 and 2009 c 381 s 24 are each amended to read as follows:

Notwithstanding any other provision of law, the office of the superintendent of public instruction, the department of ((~~early learning~~)) children, youth, and families, the Washington state center for childhood deafness and hearing loss, the Washington state school for the blind, school districts, educational service districts, and all other state and local government educational agencies and the department of services for the blind, the department of social and health services, and all other state and local government agencies concerned with the care, education, or habilitation or rehabilitation of children with disabilities may enter into interagency cooperative agreements for the purpose of providing assistive technology devices and services to children with disabilities. Such arrangements may include but are not limited to interagency agreements for the acquisition, including joint funding, maintenance, loan, sale, lease, or transfer of assistive technology devices and for the provision of assistive technology services including but not limited to assistive technology assessments and training.

For the purposes of this section, "assistive device" means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of children with disabilities. The term "assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Assistive technology service includes:

(1) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

(3) Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing of assistive technology devices;

(4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(5) Training or technical assistance for a child with a disability or if appropriate, the child's family; and

(6) Training or technical assistance for professionals, including individuals providing education and rehabilitation services, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of children with disabilities.

Sec. 33. RCW 19.02.050 and 2013 c 111 s 1 are each amended to read as follows:

Each of the following agencies must fully participate in the implementation of this chapter:

(1) Department of agriculture;
(2) Secretary of state;
(3) Department of social and health services;
(4) Department of revenue;
(5) Department of fish and wildlife;
(6) Employment security department;
(7) Department of labor and industries;
(8) Liquor ((~~control~~)) and cannabis board;
(9) Department of health;
(10) Department of licensing;
(11) Utilities and transportation commission;
(12) Board of accountancy;
(13) Department of archaeology and historic preservation;
(14) Department of ((~~early learning~~)) children, youth, and families;
(15) Department of ecology;
(16) Department of financial institutions;
(17) Department of transportation;
(18) Gambling commission;
(19) Horse racing commission;
(20) Office of the insurance commissioner;
(21) State lottery;
(22) Student achievement council;
(23) Washington state patrol;
(24) Workforce training and education coordinating board; and
(25) Other agencies as determined by the governor.

Sec. 34. RCW 43.216.555 and 2015 3rd sp.s. c 7 s 11 are each amended to read as follows:

(1) Beginning September 1, 2011, an early learning program to provide voluntary preschool opportunities for children three and four years of age shall

be implemented according to the funding and implementation plan in RCW ((~~43.215.456~~)) 43.216.556. The program must offer a comprehensive program of early childhood education and family support, including parental involvement and health information, screening, and referral services, based on family need. Participation in the program is voluntary. On a space available basis, the program may allow enrollment of children who are not otherwise eligible by assessing a fee.

(2) The program shall be implemented by utilizing the program standards and eligibility criteria in the early childhood education and assistance program in RCW ((~~43.215.400~~)) 43.216.500 through ((~~43.215.450~~)) 43.216.550.

(3)(a) Beginning in the 2015-16 school year, the program implementation in this section shall prioritize early childhood education and assistance programs located in low-income neighborhoods within high-need geographical areas.

(b) Following the priority in (a) of this subsection, preference shall be given to programs meeting at least one of the following characteristics:

(i) Programs offering an extended day program for early care and education;

(ii) Programs offering services to children diagnosed with a special need; or

(iii) Programs offering services to children involved in the child welfare system.

(4) The ((~~director~~)) secretary shall adopt rules for the following program components, as appropriate and necessary during the phased implementation of the program, consistent with early achievers program standards established in RCW ((~~43.215.100~~)) 43.216.085:

(a) Minimum program standards;

(b) Approval of program providers; and

(c) Accountability and adherence to performance standards.

(5) The department has administrative responsibility for:

(a) Approving and contracting with providers according to rules developed by the ((~~director~~)) secretary under this section;

(b) In partnership with school districts, monitoring program quality and assuring the program is responsive to the needs of eligible children;

(c) Assuring that program providers work cooperatively with school districts to coordinate the transition from preschool to kindergarten so that children and their families are well-prepared and supported; and

(d) Providing technical assistance to contracted providers.

Sec. 35. RCW 43.216.370 and 2007 c 17 s 15 are each amended to read as follows:

The ((~~director~~)) secretary shall have the power and it shall be the ((~~director's~~)) secretary's duty to engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the exclusive representative of the family child care licensees selected in accordance with RCW ((~~43.215.355~~)) 43.216.375 and with other affected interests before adopting requirements that affect family child care licensees.

Sec. 36. RCW 43.216.355 and 2006 c 265 s 314 are each amended to read as follows:

Notwithstanding the existence or pursuit of any other remedy, the ((~~director~~)) secretary may, in the manner provided by law, upon the advice of the attorney general, who shall represent the department in the proceeding, maintain

an action in the name of the state for injunction or such other relief as he or she may deem advisable against any agency subject to licensing under the provisions of this chapter or against any such agency not having a license as heretofore provided in this chapter.

Sec. 37. RCW 43.216.350 and 2006 c 265 s 313 are each amended to read as follows:

The ((~~director~~)) secretary shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the ((~~director's~~)) secretary's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

Sec. 38. RCW 43.216.325 and 2011 c 296 s 1 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to this chapter may be suspended, revoked, modified, or not renewed by the ((~~director~~)) secretary upon proof (a) that the agency has failed or refused to comply with the provisions of this chapter or the requirements adopted pursuant to this chapter; or (b) that the conditions required for the issuance of a license under this chapter have ceased to exist with respect to such licenses. RCW ((~~43.215.305~~)) 43.216.327 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(3)(a) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under this chapter or that an agency subject to licensing under this chapter is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home.

(b) Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance.

(c) Civil monetary penalties shall not exceed one hundred fifty dollars per violation for a family day care home and two hundred fifty dollars per violation for child day care centers. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty.

(d) The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period.

(e) The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten

days after such assessment becomes final. RCW ((~~43.215.307~~)) 43.216.335 governs notice of a civil monetary penalty and provides the right to an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

(4)(a) In addition to or in lieu of an enforcement action being taken, the department may place a child day care center or family day care provider on nonreferral status if the center or provider has failed or refused to comply with this chapter or rules adopted under this chapter or an enforcement action has been taken. The nonreferral status may continue until the department determines that: (i) No enforcement action is appropriate; or (ii) a corrective action plan has been successfully concluded.

(b) Whenever a child day care center or family day care provider is placed on nonreferral status, the department shall provide written notification to the child day care center or family day care provider.

(5) The department shall notify appropriate public and private child care resource and referral agencies of the department's decision to: (a) Take an enforcement action against a child day care center or family day care provider; or (b) place or remove a child day care center or family day care provider on nonreferral status.

Sec. 39. RCW 43.216.315 and 2006 c 265 s 309 are each amended to read as follows:

The ((~~director~~)) secretary may, at his or her discretion, issue an initial license instead of a full license, to an agency or facility for a period not to exceed six months, renewable for a period not to exceed two years, to allow such agency or facility reasonable time to become eligible for full license.

Sec. 40. RCW 43.216.305 and 2011 c 297 s 1 are each amended to read as follows:

(1) Each agency shall make application for a license or the continuation of a full license to the department on forms prescribed by the department. Upon receipt of such application, the department shall either grant or deny a license or continuation of a full license within ninety days. A license or continuation shall be granted if the agency meets the minimum requirements set forth in this chapter and the departmental requirements consistent with this chapter, except that an initial license may be issued as provided in RCW ((~~43.215.280~~)) 43.216.315. The department shall consider whether an agency is in good standing, as defined in subsection (4)(b) of this section, before granting a continuation of a full license. Full licenses provided for in this chapter shall continue to remain valid so long as the licensee meets the requirements for a nonexpiring license in subsection (2) of this section. The licensee, however, shall advise the ((~~director~~)) secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter is not transferable and applies only to the licensee and the location stated in the application. For licensed family day care homes having an acceptable history of child care, the license may remain in effect for two weeks after a move.

(2) In order to qualify for a nonexpiring full license, a licensee must meet the following requirements on an annual basis as established from the date of initial licensure:

(a) Submit the annual licensing fee;

(b) Submit a declaration to the department indicating the licensee's intent to continue operating a licensed child care program, or the intent to cease operation on a date certain;

(c) Submit a declaration of compliance with all licensing rules; and

(d) Submit background check applications on the schedule established by the department.

(3) If a licensee fails to meet the requirements in subsection (2) of this section for continuation of a full license the license expires and the licensee must submit a new application for licensure under this chapter.

(4)(a) Nothing about the nonexpiring license process may interfere with the department's established monitoring practice.

(b) For the purpose of this section, an agency is considered to be in good standing if in the intervening period between monitoring visits the agency does not have any of the following:

(i) Valid complaints;

(ii) A history of noncompliance related to those valid complaints or pending from prior monitoring visits; or

(iii) Other information that when evaluated would result in a finding of noncompliance with this section.

(c) The department shall consider whether an agency is in good standing when determining the most appropriate approach and process for monitoring visits, for the purposes of administrative efficiency while protecting children, consistent with this chapter. If the department determines that an agency is not in good standing, the department may issue a probationary license, as provided in RCW ((~~43.215.290~~)) 43.216.320.

Sec. 41. RCW 43.216.300 and 2007 c 17 s 1 are each amended to read as follows:

(1) The ((~~director~~)) secretary shall charge fees to the licensee for obtaining a license. The ((~~director~~)) secretary may waive the fees when, in the discretion of the ((~~director~~)) secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) The ((~~director~~)) secretary shall establish the fees charged by rule.

Sec. 42. RCW 43.216.265 and 2013 c 227 s 1 are each amended to read as follows:

The chief of the Washington state patrol, through the director of fire protection, shall have the power and it shall be his or her duty:

(1) In consultation with the ((~~director~~)) secretary and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to this chapter necessary to protect all persons residing therein from fire hazards;

(2) To adopt licensing minimum standard requirements to allow children who attend classes in a school building during school hours to remain in the

same building to participate in before-school or after-school programs and to allow participation in such before-school and after-school programs by children who attend other schools and are transported to attend such before-school and after-school programs;

(3) To make or cause to be made such inspections and investigations of agencies as he or she deems necessary;

(4) To make a periodic review of requirements under RCW ((~~43.215.200(5)~~)) 43.216.250(8) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(5) To issue to applicants for licenses under this chapter who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department before a license shall be issued, except that an initial license may be issued as provided in RCW ((~~43.215.280~~)) 43.216.315.

Sec. 43. RCW 43.216.045 and 2006 c 265 s 106 are each amended to read as follows:

The ((~~director~~)) secretary may appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The ((~~director~~)) secretary may also appoint statewide committees or councils on such subject matters as are or come within the department's responsibilities. The committees or councils shall be constituted as required by federal law or as the ((~~director~~)) secretary may determine.

Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 44. RCW 43.216.105 and 2017 c 236 s 5 are each amended to read as follows:

(1) The department of ((~~early learning~~)) children, youth, and families must work with community partners to support outreach and education for parents and families around the benefits of native language development and retention, as well as the benefits of dual language learning. Native language means the language normally used by an individual or, in the case of a child or youth, the language normally used by the parents or family of the child or youth. Dual language learning means learning in two languages, generally English and a target language other than English spoken in the local community, for example Spanish, Somali, Vietnamese, Russian, Arabic, native languages, or indigenous languages where the goal is bilingualism.

(2) Within existing resources, the department must create training and professional development resources on dual language learning, such as supporting English learners, working in culturally and linguistically diverse communities, strategies for family engagement, and cultural responsiveness. The department must design the training modules to be culturally responsive.

(3) Within existing resources, the department must support dual language learning communities for teachers and coaches.

(4) The department may adopt rules to implement this section.

Sec. 45. RCW 9.94A.655 and 2010 c 224 s 2 are each amended to read as follows:

(1) An offender is eligible for the parenting sentencing alternative if:

(a) The high end of the standard sentence range for the current offense is greater than one year;

(b) The offender has no prior or current conviction for a felony that is a sex offense or a violent offense;

(c) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(d) The offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the department and the court; and

(e) The offender has physical custody of his or her minor child or is a legal guardian or custodian with physical custody of a child under the age of eighteen at the time of the current offense.

(2) To assist the court in making its determination, the court may order the department to complete either a risk assessment report or a chemical dependency screening report as provided in RCW 9.94A.500, or both reports prior to sentencing.

(3) If the court is considering this alternative, the court shall request that the department contact the ((~~children's administration of the Washington state department of social and health services~~)) department of children, youth, and families to determine if the agency has an open child welfare case or prior substantiated referral of abuse or neglect involving the offender or if the agency is aware of any substantiated case of abuse or neglect with a tribal child welfare agency involving the offender.

(a) If the offender has an open child welfare case, the department will provide the release of information waiver and request that the ((~~children's administration~~)) department of children, youth, and families or the tribal child welfare agency provide a report to the court. The ((~~children's administration~~)) department of children, youth, and families shall provide a report within seven business days of the request that includes, at the minimum, the following:

(i) Legal status of the child welfare case;

(ii) Length of time the ((~~children's administration~~)) department of children, youth, and families has been involved with the offender;

(iii) Legal status of the case and permanent plan;

(iv) Any special needs of the child;

(v) Whether or not the offender has been cooperative with services ordered by a juvenile court under a child welfare case; and

(vi) If the offender has been convicted of a crime against a child.

(b) If a report is required from a tribal child welfare agency, the department shall attempt to obtain information that is similar to what is required for the report provided by the ((~~children's administration~~)) department of children, youth, and families in a timely manner.

(c) If the offender does not have an open child welfare case with the ((~~children's administration~~)) department of children, youth, and families or with a tribal child welfare agency but has prior involvement, the department will obtain information from the ((~~children's administration~~)) department of children, youth, and families on the number and type of past substantiated referrals of abuse or neglect and report that information to the court. If the ((~~children's administration~~)) department of children, youth, and families has never had any

substantiated referrals or an open case with the offender, the department will inform the court.

(4) If the sentencing court determines that the offender is eligible for a sentencing alternative under this section and that the sentencing alternative is appropriate and should be imposed, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of twelve months of community custody. The court shall consider the offender's criminal history when determining if the alternative is appropriate.

(5) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate.

(b) The department may impose conditions as authorized in RCW 9.94A.704 that may include, but are not limited to:

(i) Parenting classes;

(ii) Chemical dependency treatment;

(iii) Mental health treatment;

(iv) Vocational training;

(v) Offender change programs;

(vi) Life skills classes.

(c) The department shall report to the court if the offender commits any violations of his or her sentence conditions.

(6) The department shall provide the court with quarterly progress reports regarding the offender's progress in required programming, treatment, and other supervision conditions. When an offender has an open child welfare case, the department will seek to coordinate services with the ((~~children's administration~~)) department of children, youth, and families.

(7)(a) The court may bring any offender sentenced under this section back into court at any time during the period of community custody on its own initiative to evaluate the offender's progress in treatment, or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody, if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served in confinement under this section.

Sec. 46. RCW 26.44.220 and 2013 c 23 s 44 are each amended to read as follows:

(1) Within existing resources, the department shall develop a curriculum designed to train department staff ((~~of the department's children's administration~~)) who assess or provide services to adolescents on how to screen and respond to referrals to child protective services when those referrals may

involve victims of abuse or neglect between the ages of eleven and eighteen. At a minimum, the curriculum developed pursuant to this section shall include:

(a) Review of relevant laws and regulations, including the requirement that the department investigate complaints if a parent's or caretaker's actions result in serious physical or emotional harm or present an imminent risk of serious harm to any person under eighteen;

(b) Review of departmental policies ((~~of the department's children's administration~~)) that require assessment and screening of abuse and neglect referrals on the basis of risk and not age;

(c) Explanation of safety assessment and risk assessment models;

(d) Case studies of situations in which the department has received reports of alleged abuse or neglect of older children and adolescents;

(e) Discussion of best practices in screening and responding to referrals involving older children and adolescents; and

(f) Discussion of how abuse and neglect referrals related to adolescents are investigated and when law enforcement must be notified.

(2) As it develops its curriculum pursuant to this section, the department shall request that the office of the family and children's ombuds review and comment on its proposed training materials. The department shall consider the comments and recommendations of the office of the family and children's ombuds as it develops the curriculum required by this section.

(3) The department shall complete the curriculum materials required by this section no later than December 31, 2005.

(4) Within existing resources, the department shall incorporate training on the curriculum developed pursuant to this section into existing training for child protective services workers who screen intake calls, ((~~children's administration~~)) department staff responsible for assessing or providing services to older children and adolescents, and all new employees of the ((~~children's administration~~)) department responsible for assessing or providing services to older children and adolescents.

Sec. 47. RCW 9.94A.6551 and 2010 c 224 s 8 are each amended to read as follows:

For offenders not sentenced under RCW 9.94A.655, but otherwise eligible under this section, no more than the final twelve months of the offender's term of confinement may be served in partial confinement as home detention as part of the parenting program developed by the department.

(1) The secretary may transfer an offender from a correctional facility to home detention in the community if it is determined that the parenting program is an appropriate placement and when all of the following conditions exist:

(a) The offender is serving a sentence in which the high end of the range is greater than one year;

(b) The offender has no current conviction for a felony that is a sex offense or a violent offense;

(c) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(d) The offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the department and the court;

(e) The offender:

(i) Has physical or legal custody of a minor child;

(ii) Has a proven, established, ongoing, and substantial relationship with his or her minor child that existed prior to the commission of the current offense; or

(iii) Is a legal guardian of a child that was under the age of eighteen at the time of the current offense; and

(f) The department determines that such a placement is in the best interests of the child.

(2) When the department is considering partial confinement as part of the parenting program for an offender, the department shall inquire of the individual and the ((~~children's administration with the Washington state department of social and health services~~)) department of children, youth, and families whether the agency has an open child welfare case or prior substantiated referral for abuse or neglect involving the offender. If the ((~~children's administration~~)) department of children, youth, and families or a tribal jurisdiction has an open child welfare case, the department will seek input from the ((~~children's administration~~)) department of children, youth, and families or the involved tribal jurisdiction as to: (a) The status of the child welfare case; and (b) recommendations regarding placement of the offender and services required of the department and the court governing the individual's child welfare case. The department and its officers, agents, and employees are not liable for the acts of offenders participating in the parenting program unless the department or its officers, agents, and employees acted with willful and wanton disregard.

(3) All offenders placed on home detention as part of the parenting program shall provide an approved residence and living arrangement prior to transfer to home detention.

(4) While in the community on home detention as part of the parenting program, the department shall:

(a) Require the offender to be placed on electronic home monitoring;

(b) Require the offender to participate in programming and treatment that the department determines is needed;

(c) Assign a community corrections officer who will monitor the offender's compliance with conditions of partial confinement and programming requirements; and

(d) If the offender has an open child welfare case with the ((~~children's administration~~)) department of children, youth, and families, collaborate and communicate with the identified social worker in the provision of services.

(5) The department has the authority to return any offender serving partial confinement in the parenting program to total confinement if the offender is not complying with sentence requirements.

Sec. 48. RCW 74.13.632 and 2013 c 182 s 7 are each amended to read as follows:

(1) A university-based child welfare research entity shall include in its reporting the educational experiences and progress of students in ((~~children's administration~~)) out-of-home care with the department. This data must be disaggregated in the smallest units allowable by law that do not identify an individual student, in order to learn which ((~~children's administration~~)) of the department's offices and school districts are experiencing the greatest success

and challenges in achieving quality educational outcomes with students in ((~~children's administration~~)) out-of-home care with the department.

(2) By January 1, 2015 and annually thereafter, the university-based child welfare research entity must submit a report to the legislature. To the extent possible, the report should include, but is not limited to, information on the following measures for a youth who is a dependent pursuant to chapter 13.34 RCW:

(a) Aggregate scores from the Washington state kindergarten readiness assessment;

(b) Aggregate scores from the third grade statewide student assessment in reading;

(c) Number of youth graduating from high school with a documented plan for postsecondary education, employment, or military service;

(d) Number of youth completing one year of postsecondary education, the equivalent of first-year student credits, or achieving a postsecondary certificate; and

(e) Number of youth who complete an associate or bachelor's degree.

(3) The report must identify strengths and weaknesses in practice and recommend to the legislature strategy and needed resources for improvement.

Sec. 49. RCW 74.13.341 and 2015 c 240 s 4 are each amended to read as follows:

With respect to youth who will be aging out of foster care, the ((~~children's administration~~)) department shall invite representatives from the department of social and health services division of behavioral health and recovery, the disability services administration, the economic services administration, and the juvenile justice and rehabilitation administration to the youth's shared planning meeting that occurs between age seventeen and seventeen and one-half that is used to develop a transition plan. It is the responsibility of the ((~~children's administration~~)) department to include these agencies in the shared planning meeting. If foster youth who are the subject of this meeting may qualify for developmental disability services pursuant to Title 71A RCW, the ((~~children's administration~~)) department shall direct these youth to apply for these services and provide assistance in the application process.

Sec. 50. RCW 28A.300.525 and 2012 c 163 s 11 are each amended to read as follows:

The education data center shall include in its reporting as part of the P-20 education data project the educational experiences and progress of students in ((~~children's administration~~)) out-of-home care with the department of children, youth, and families. This data should be disaggregated in the smallest units allowable by law that do not identify an individual student, in order to learn which school districts are experiencing the greatest success and challenges in achieving quality educational outcomes with students in ((~~children's administration~~)) out-of-home care with the department of children, youth, and families.

Sec. 51. RCW 74.13.020 and 2017 3rd sp.s. c 6 s 401 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of children, youth, and families.

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(9) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

(10) "Medical condition" means, for the purposes of qualifying for extended foster care services, a physical or mental health condition as documented by any

licensed health care provider regulated by a disciplining authority under RCW 18.130.040.

(11) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(12) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(13) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(14) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(15) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(16) "Secretary" means the secretary of the department.

(17) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the ((~~children's administration~~)) department or the court.

(18) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

(19) "Unsupervised" has the same meaning as in RCW 43.43.830.

(20) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 52. RCW 72.05.435 and 1998 c 269 s 15 are each amended to read as follows:

(1) The department shall establish by rule a policy for the common use of residential group homes for juvenile offenders under the jurisdiction of the juvenile rehabilitation administration and the ((~~children's administration~~)) department of children, youth, and families.

(2) A juvenile confined under the jurisdiction of the juvenile rehabilitation administration who is convicted of a class A felony is not eligible for placement in a community facility operated by ((~~children's administration~~)) the department of children, youth, and families that houses juveniles who are not under the jurisdiction of juvenile rehabilitation administration unless:

(a) The juvenile is housed in a separate living unit solely for juvenile offenders;

(b) The community facility is a specialized treatment program and the youth is not assessed as sexually aggressive under RCW 13.40.470; or

(c) The community facility is a specialized treatment program that houses one or more sexually aggressive youth and the juvenile is not assessed as sexually vulnerable under RCW 13.40.470.

NEW SECTION. **Sec. 53.** Section 52 of this act expires July 1, 2019.

Sec. 54. RCW 13.34.030 and 2017 3rd sp.s. c 6 s 302 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" mean:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of children, youth, and families.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary of the department of social and health services to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Educational liaison" means a person who has been appointed by the court to fulfill responsibilities outlined in RCW 13.34.046.

(9) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(10) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(11) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(12) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(13) "Housing assistance" means appropriate referrals by the department or other supervising agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(14) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits

transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(15) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(16) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(17) "Parent" means the biological or adoptive parents of a child, or an individual who has established a parent-child relationship under RCW 26.26.101, unless the legal rights of that person have been terminated by a judicial proceeding pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws of another state or a federally recognized Indian tribe.

(18) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child.

(19) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(20) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(21) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(22) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the ((~~children's administration~~)) department or the court.

(23) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.

(24) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 55. RCW 74.31.020 and 2011 c 143 s 2 are each amended to read as follows:

(1) The Washington traumatic brain injury strategic partnership advisory council is established as an advisory council to the governor, the legislature, and the secretary of the department of social and health services.

(2) The council shall be composed of:

(a) The following members who shall be appointed by the governor:

(i) A representative from a Native American tribe located in Washington state;

(ii) A representative from a nonprofit organization serving individuals with traumatic brain injury;

(iii) An individual with expertise in working with children with traumatic brain injuries;

(iv) A physician who has experience working with individuals with traumatic brain injuries;

(v) A neuropsychologist who has experience working with persons with traumatic brain injuries;

(vi) A social worker or clinical psychologist who has experience in working with persons who have sustained traumatic brain injuries;

(vii) A rehabilitation specialist, such as a speech pathologist, vocational rehabilitation counselor, occupational therapist, or physical therapist who has experience working with persons with traumatic brain injuries;

(viii) Two persons who are individuals with a traumatic brain injury;

(ix) Two persons who are family members of individuals with traumatic brain injuries; and

(x) Two members of the public who have experience with issues related to the causes of traumatic brain injuries; and

(b) The following agency members:

(i) The secretary or the secretary's designee, and representatives from the following: The ((~~children's administration, the~~)) division of behavioral health and recovery services, the aging and disability services administration, and the division of vocational rehabilitation;

(ii) The secretary of health or the secretary's designee;

(iii) The secretary of corrections or the secretary's designee;

(iv) The secretary of children, youth, and families or the secretary's designee;

(v) A representative of the department of commerce with expertise in housing;

(((~~(v)~~))) (vi) A representative from the Washington state department of veterans affairs;

(((~~(vi)~~))) (vii) A representative from the national guard;

(((~~(vii)~~))) (viii) The executive director of the Washington protection and advocacy system or the executive director's designee; and

(((~~(viii)~~))) (ix) The executive director of the state brain injury association or the executive director's designee.

In the event that any of the state agencies designated in (((~~(b) of~~))) this subsection (2)(b) is renamed, reorganized, or eliminated, the director or secretary of the department that assumes the responsibilities of each renamed, reorganized, or eliminated agency shall designate a substitute representative.

(3) Councilmembers shall not be compensated for serving on the council, but may be reimbursed for all reasonable expenses related to costs incurred in participating in meetings for the council.

(4) No member may serve more than two consecutive terms.

(5) The appointed members of the council shall, to the extent possible, represent rural and urban areas of the state.

(6) A chairperson shall be elected every two years by majority vote from among the councilmembers. The chairperson shall act as the presiding officer of the council.

(7) The duties of the council include:

(a) Collaborating with the department to develop and revise as needed a comprehensive statewide plan to address the needs of individuals with traumatic brain injuries;

(b) Providing recommendations to the department on criteria to be used to select programs facilitating support groups for individuals with traumatic brain injuries and their families under RCW 74.31.050;

(c) By January 15, 2013, and every two years thereafter, developing a report in collaboration with the department and submitting it to the legislature and the governor on the following:

(i) Identifying the activities of the council in the implementation of the comprehensive statewide plan;

(ii) Recommendations for the revisions to the comprehensive statewide plan;

(iii) Recommendations for using the traumatic brain injury account established under RCW 74.31.060 to form strategic partnerships and to foster

the development of services and supports for individuals impacted by traumatic brain injuries; and

(iv) Recommendations for a council staffing plan for council support under RCW 74.31.030.

(8) The council may utilize the advice or services of a nationally recognized expert, or other individuals as the council deems appropriate, to assist the council in carrying out its duties under this section.

Sec. 56. RCW 74.15.038 and 2014 c 88 s 3 are each amended to read as follows:

If an agency operating under contract with the ((~~children's administration~~)) department chooses to hire an individual that would be precluded from employment with the department based on a disqualifying crime or negative action, the department and its officers and employees have no liability arising from any injury or harm to a child or other department client that is attributable to such individual.

Sec. 57. RCW 74.13.660 and 2007 c 220 s 8 are each amended to read as follows:

Under the foster parent critical support and retention program, foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280, shall receive:

(1) Availability at any time of the day or night to address specific concerns related to the identified child;

(2) Assessment of risk and development of a safety and supervision plan;

(3) Home-based foster parent training utilizing evidence-based models; and

(4) Referral to relevant community services and training provided by the local ((~~children's administration~~)) department office or community agencies.

Sec. 58. RCW 74.13.570 and 2012 c 229 s 594 are each amended to read as follows:

(1) The department shall establish an oversight committee composed of staff from ((~~the children's administration of the department,~~)) the office of the superintendent of public instruction, the student achievement council, foster youth, former foster youth, foster parents, and advocacy agencies to develop strategies for maintaining foster children in the schools they were attending at the time they entered foster care and to promote opportunities for foster youth to participate in postsecondary education or training.

(2) The duties of the oversight committee shall include, but are not limited to:

(a) Developing strategies for school-based recruitment of foster homes;

(b) Monitoring the progress of current pilot projects that assist foster children to continue attending the schools they were attending at the time they entered foster care;

(c) Overseeing the expansion of the number of pilot projects;

(d) Promoting the use of best practices, throughout the state, demonstrated by the pilot projects and other programs relating to maintaining foster children in the schools they were attending at the time they entered foster care;

(e) Informing the legislature of the status of efforts to maintain foster children in the schools they were attending at the time they entered foster care;

(f) Assessing the scope and nature of statewide need among current and former foster youth for assistance to pursue and participate in postsecondary education or training opportunities;

(g) Identifying available sources of funding available in the state for services to former foster youth to pursue and participate in postsecondary education or training opportunities;

(h) Reviewing the effectiveness of activities in the state to support former foster youth to pursue and participate in postsecondary education or training opportunities;

(i) Identifying new activities, or existing activities that should be modified or expanded, to best meet statewide needs; and

(j) Reviewing on an ongoing basis the progress toward improving educational and vocational outcomes for foster youth.

Sec. 59. RCW 71.24.065 and 2014 c 225 s 48 are each amended to read as follows:

To the extent funds are specifically appropriated for this purpose, the department of social and health services shall contract for implementation of a wraparound model of integrated children's mental health services delivery in up to four behavioral health organization regions in Washington state in which wraparound programs are not currently operating, and in up to two behavioral health organization regions in which wraparound programs are currently operating. Contracts in regions with existing wraparound programs shall be for the purpose of expanding the number of children served.

(1) Funding provided may be expended for: Costs associated with a request for proposal and contracting process; administrative costs associated with successful bidders' operation of the wraparound model; the evaluation under subsection (5) of this section; and funding for services needed by children enrolled in wraparound model sites that are not otherwise covered under existing state programs. The services provided through the wraparound model sites shall include, but not be limited to, services covered under the medicaid program. The department shall maximize the use of medicaid and other existing state-funded programs as a funding source. However, state funds provided may be used to develop a broader service package to meet needs identified in a child's care plan. Amounts provided shall supplement, and not supplant, state, local, or other funding for services that a child being served through a wraparound site would otherwise be eligible to receive.

(2) The wraparound model sites shall serve children with serious emotional or behavioral disturbances who are at high risk of residential or correctional placement or psychiatric hospitalization, and who have been referred for services from the department, a county juvenile court, a tribal court, a school, or a licensed mental health provider or agency.

(3) Through a request for proposal process, the department shall contract, with behavioral health organizations, alone or in partnership with either educational service districts or entities licensed to provide mental health services to children with serious emotional or behavioral disturbances, to operate the wraparound model sites. The contractor shall provide care coordination and facilitate the delivery of services and other supports to families using a strength-based, highly individualized wraparound process. The request for proposal shall require that:

(a) The behavioral health organization agree to use its medicaid revenues to fund services included in the existing behavioral health organization's benefit package that a medicaid-eligible child participating in the wraparound model site is determined to need;

(b) The contractor provide evidence of commitments from at least the following entities to participate in wraparound care plan development and service provision when appropriate: Community mental health agencies, schools, the department of ((~~social and health services children's administration~~)) children, youth, and families, juvenile courts, the department of social and health services juvenile rehabilitation administration, and managed health care systems contracting with the department under RCW 74.09.522; and

(c) The contractor will operate the wraparound model site in a manner that maintains fidelity to the wraparound process as defined in RCW 71.36.010.

(4) Contracts for operation of the wraparound model sites shall be executed on or before April 1, 2008, with enrollment and service delivery beginning on or before July 1, 2008.

(5) The evidence-based practice institute established in RCW 71.24.061 shall evaluate the wraparound model sites, measuring outcomes for children served. Outcomes measured shall include, but are not limited to: Decreased out-of-home placement, including residential, group, and foster care, and increased stability of such placements, school attendance, school performance, recidivism, emergency room utilization, involvement with the juvenile justice system, decreased use of psychotropic medication, and decreased hospitalization.

(6) The evidence-based practice institute shall provide a report and recommendations to the appropriate committees of the legislature by December 1, 2010.

Sec. 60. RCW 43.185C.285 and 2017 c 277 s 5 are each amended to read as follows:

The administrator of a crisis residential center shall notify parents and the appropriate law enforcement agency as to any unauthorized leave from the center by a child placed at the center. The administrator shall also notify the department of ((~~social and health services~~)) children, youth, and families immediately as to any unauthorized leave from the center by a child who is in the care of or receiving services from the department of ((~~social and health services children's administration~~)) children, youth, and families.

Sec. 61. RCW 43.185C.260 and 2017 c 277 s 4 are each amended to read as follows:

(1) A law enforcement officer shall take a child into custody:

(a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

(c) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

(d) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court

placement order issued under this chapter or chapter 13.34 RCW or that the court has issued an order for law enforcement pick-up of the child under this chapter or chapter 13.34 RCW.

(2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination. Law enforcement custody continues until the law enforcement officer transfers custody to a person, agency, or other authorized entity under this chapter, or releases the child because no placement is available. Transfer of custody is not complete unless the person, agency, or entity to whom the child is released agrees to accept custody.

(3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The center shall provide the department of ((~~social and health services~~)) children, youth, and families with a copy of the officer's report if the youth is in the care of or receiving services from the department of ((~~social and health services children's administration~~)) children, youth, and families.

(4) If the law enforcement officer who initially takes the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department of ((~~social and health services~~)) children, youth, and families.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 43.185C.265.

(7) No child may be placed in a secure facility except as provided in this chapter.

Sec. 62. RCW 28B.105.060 and 2013 2nd sp.s. c 22 s 12 are each amended to read as follows:

The office of the superintendent of public instruction shall:

(1) Notify elementary, middle, junior high, high school, and school district staff and administrators, and the ((~~children's administration of the department of social and health services~~)) department of children, youth, and families about the GET ready for math and science scholarship program using methods in place for communicating with schools and school districts; and

(2) Provide data showing the race, ethnicity, income, and other available demographic information of students who achieve level four on the math and science high school statewide student assessment; compare those data with comparable information on the student population as a whole; and submit a report with the analysis to the committees responsible for education and higher education in the legislature on December 1st of even-numbered years.

Sec. 63. RCW 28A.300.592 and 2016 c 71 s 4 are each amended to read as follows:

(1) As used in this section, "outcome" or "outcomes" means measuring the differences in high school graduation rates and postsecondary enrollment and completion between youth served by the programs described in this section, and those who would have otherwise been eligible for the programs, but were not served by the programs.

(2) To the extent funds are appropriated for this purpose, the office of the superintendent of public instruction must contract with at least one nongovernmental entity to improve the educational outcomes of students at two sites by providing individualized education services and monitoring and supporting dependent youths' completion of educational milestones, remediation needs, and special education needs. The selected nongovernmental entity must engage in a public-private partnership with the office of the superintendent of public instruction and is responsible for raising a portion of the funds needed for service delivery, administration, and evaluation.

(3) One of the sites described in subsection (2) of this section shall be the site previously selected by the department of social and health services pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013 2nd sp. sess. to the extent private funds are available. The previously selected site will expand to include the entire county in which it is currently located, subject to the availability of private funds. The second site established under this section must be implemented after July 1, 2016. The office of the superintendent of public instruction and the nongovernmental entity or entities at the original site shall consult with the department of social and health services and then collaboratively select the second site. This site should be a school district or group of school districts with a significant number of students who are dependent pursuant to chapter 13.34 RCW.

(4) The purpose of the programs at both sites is to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW by providing individualized education services and supporting dependent youths' completion of educational milestones, remediation needs, and special education needs.

(5) The entity or entities at these sites must facilitate the educational progress, high school completion, and postsecondary plan initiation of eligible youth. The contract with the entity or entities must be outcome driven with a stated goal of improving the graduation rates and postsecondary plan initiation of foster youth by two percent per year over five school year periods. The baseline for measurement for the existing site was established in the 2013-14 school year, and this baseline remains applicable through the 2018-19 school year. Any new site must establish its baseline at the end of the first year of service provision, and this baseline must remain applicable for the next five school year periods.

(6) Services provided by the nongovernmental entity or entities must include:

(a) Advocacy for foster youth to eliminate barriers to educational access and success;

(b) Consultation with schools and the department of ((~~social and health services'~~)) children, youth, and families case workers to develop educational plans for and with participating youth;

(c) Monitoring education progress and providing interventions to improve attendance, behavior, and course performance of participating youth;

(d) Facilitating age-specific developmental and logistical tasks to be accomplished for high school and postsecondary success;

(e) Facilitating the participation of youth with school and local resources that may assist in educational access and success; and

(f) Coordinating youth, caregivers, schools, and social workers to advocate to support youth progress in the educational system.

(7) The contracted nongovernmental entity or entities must report site outcomes to the office of the superintendent of public instruction and the department of ((~~social and health services~~)) children, youth, and families semiannually.

(8) The department of ((~~social and health services children's administration~~)) children, youth, and families must proactively refer all eligible students thirteen years of age or older, within the site areas, to the contractor for educational services. Youth eligible for referral are dependent pursuant to chapter 13.34 RCW, are age thirteen through twenty-one years of age, are not currently served by services under RCW 28B.77.250, and remain eligible for continuing service following fulfillment of the permanent plan and through initiation of a postsecondary plan. After high school completion, services are concluded within a time period specified in the contract to pursue engagement of continuing postsecondary support services provided by local education agencies, postsecondary education, community-based programs, or the passport to college promise program.

(9) The selected nongovernmental entity or entities may be colocated in the offices of the department of ((~~social and health services~~)) children, youth, and families to provide timely consultation. These entities must be provided access to all paper and electronic education records and case information pertinent to the educational planning and services of youth referred and are subject to RCW 13.50.010 and 13.50.100.

Sec. 64. RCW 26.44.125 and 2012 c 259 s 11 are each amended to read as follows:

(1) A person who is named as an alleged perpetrator after October 1, 1998, in a founded report of child abuse or neglect has the right to seek review and amendment of the finding as provided in this section.

(2) Within thirty calendar days after the department has notified the alleged perpetrator under RCW 26.44.100 that the person is named as an alleged perpetrator in a founded report of child abuse or neglect, he or she may request that the department review the finding. The request must be made in writing. The written notice provided by the department must contain at least the following information in plain language:

(a) Information about the department's investigative finding as it relates to the alleged perpetrator;

(b) Sufficient factual information to apprise the alleged perpetrator of the date and nature of the founded reports;

(c) That the alleged perpetrator has the right to submit to child protective services a written response regarding the child protective services finding which, if received, shall be filed in the department's records;

(d) That information in the department's records, including information about this founded report, may be considered in a later investigation or proceeding related to a different allegation of child abuse or neglect or child custody;

(e) That founded allegations of child abuse or neglect may be used by the department in determining:

(i) If a perpetrator is qualified to be licensed or approved to care for children or vulnerable adults; or

(ii) If a perpetrator is qualified to be employed by the department in a position having unsupervised access to children or vulnerable adults;

(f) That the alleged perpetrator has a right to challenge a founded allegation of child abuse or neglect.

(3) If a request for review is not made as provided in this subsection, the alleged perpetrator may not further challenge the finding and shall have no right to agency review or to an adjudicative hearing or judicial review of the finding, unless he or she can show that the department did not comply with the notice requirements of RCW 26.44.100.

(4) Upon receipt of a written request for review, the department shall review and, if appropriate, may amend the finding. Management level staff within the ((~~children's administration~~)) department designated by the secretary shall be responsible for the review. The review must be completed within thirty days after receiving the written request for review. The review must be conducted in accordance with procedures the department establishes by rule. Upon completion of the review, the department shall notify the alleged perpetrator in writing of the agency's determination. The notification must be sent by certified mail, return receipt requested, to the person's last known address.

(5) If, following agency review, the report remains founded, the person named as the alleged perpetrator in the report may request an adjudicative hearing to contest the finding. The adjudicative proceeding is governed by chapter 34.05 RCW and this section. The request for an adjudicative proceeding must be filed within thirty calendar days after receiving notice of the agency review determination. If a request for an adjudicative proceeding is not made as provided in this subsection, the alleged perpetrator may not further challenge the finding and shall have no right to agency review or to an adjudicative hearing or judicial review of the finding.

(6) Reviews and hearings conducted under this section are confidential and shall not be open to the public. Information about reports, reviews, and hearings may be disclosed only in accordance with federal and state laws pertaining to child welfare records and child protective services reports.

(7) The department may adopt rules to implement this section.

Sec. 65. RCW 7.68.801 and 2017 c 18 s 1 are each amended to read as follows:

(1) The commercially sexually exploited children statewide coordinating committee is established to address the issue of children who are commercially sexually exploited, to examine the practices of local and regional entities

involved in addressing sexually exploited children, and to make recommendations on statewide laws and practices.

(2) The committee is convened by the office of the attorney general with the department of commerce assisting with agenda planning and administrative and clerical support. The committee consists of the following members:

(a) One member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house;

(b) One member from each of the two largest caucuses of the senate appointed by the speaker of the senate;

(c) A representative of the governor's office appointed by the governor;

(d) The secretary of the ((~~children's administration~~)) department of children, youth, and families or his or her designee;

(e) The secretary of the juvenile rehabilitation administration or his or her designee;

(f) The attorney general or his or her designee;

(g) The superintendent of public instruction or his or her designee;

(h) A representative of the administrative office of the courts appointed by the administrative office of the courts;

(i) The executive director of the Washington association of sheriffs and police chiefs or his or her designee;

(j) The executive director of the Washington state criminal justice training commission or his or her designee;

(k) A representative of the Washington association of prosecuting attorneys appointed by the association;

(l) The executive director of the office of public defense or his or her designee;

(m) Three representatives of community service providers that provide direct services to commercially sexually exploited children appointed by the attorney general;

(n) Two representatives of nongovernmental organizations familiar with the issues affecting commercially sexually exploited children appointed by the attorney general;

(o) The president of the superior court judges' association or his or her designee;

(p) The president of the juvenile court administrators or his or her designee;

(q) Any existing chairs of regional task forces on commercially sexually exploited children;

(r) A representative from the criminal defense bar;

(s) A representative of the center for children and youth justice;

(t) A representative from the office of crime victims advocacy;

(u) The executive director of the Washington coalition of sexual assault programs;

(v) A representative of an organization that provides in-patient chemical dependency treatment to youth, appointed by the attorney general;

(w) A representative of an organization that provides mental health treatment to youth, appointed by the attorney general; and

(x) A survivor of human trafficking, appointed by the attorney general.

(3) The duties of the committee include, but are not limited to:

(a) Overseeing and reviewing the implementation of the Washington state model protocol for commercially sexually exploited children at task force sites;

(b) Receiving reports and data from local and regional entities regarding the incidence of commercially sexually exploited children in their areas as well as data information regarding perpetrators, geographic data and location trends, and any other data deemed relevant;

(c) Receiving reports on local coordinated community response practices and results of the community responses;

(d) Reviewing recommendations from local and regional entities regarding policy and legislative changes that would improve the efficiency and effectiveness of local response practices;

(e) Making recommendations regarding policy and legislative changes that would improve the effectiveness of the state's response to and promote best practices for suppression of the commercial sexual exploitation of children;

(f) Making recommendations regarding data collection useful to understanding or addressing the problem of commercially sexually exploited children;

(g) Reviewing and making recommendations regarding strategic local investments or opportunities for federal and state funding to address the commercial sexual exploitation of children;

(h) Reviewing the extent to which chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill No. 6476) is understood and applied by enforcement authorities; and

(i) Researching any barriers that exist to full implementation of chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill No. 6476) throughout the state.

(4) The committee must meet no less than annually.

(5) The committee shall annually report its findings and recommendations to the appropriate committees of the legislature and to any other known statewide committees addressing trafficking or the commercial sex trade.

(6) This section expires June 30, 2023.

Sec. 66. RCW 2.70.090 and 2015 c 117 s 5 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the parents for parents program shall be funded through the office of public defense and centrally administered through a pass-through to a Washington state nonprofit-lead organization that has extensive experience supporting child welfare parent mentors.

(2) Through the contract with the lead organization, each local program must be locally administered by the county superior court or a nonprofit organization that shall serve as the host organization.

(3) Local stakeholders representing key child welfare systems shall serve as parents for parents program advisors. Examples of local stakeholders include the ((~~children's administration~~)) department of children, youth, and families, the superior court, attorneys for the parents, assistant attorneys general, and court-appointed special advocates or guardians ad litem.

(4) A child welfare parent mentor lead shall provide program coordination and maintain local program information.

(5) The lead organization shall provide ongoing training to the host organizations, statewide program oversight and coordination, and maintain statewide program information.

Sec. 67. RCW 43.216.380 and 2007 c 299 s 1 are each amended to read as follows:

(1) Minimum licensing requirements under this chapter shall include a prohibition on the use of window blinds or other window coverings with pull cords or inner cords capable of forming a loop and posing a risk of strangulation to young children. Window blinds and other coverings that have been manufactured or properly retrofitted in a manner that eliminates the formation of loops posing a risk of strangulation are not prohibited under this section.

(2) When developing and periodically reviewing minimum licensing requirements related to safety of the premises, the ((~~director~~)) secretary shall consult and give serious consideration to publications of the United States consumer product safety commission.

(3) The department may provide information as available regarding reduced cost or no-cost options for retrofitting or replacing unsafe window blinds and window coverings.

Sec. 68. RCW 43.216.165 and 2017 c 178 s 5 are each amended to read as follows:

(1) The early start account is created in the custody of the state treasurer. Revenues in the account shall consist of appropriations by the legislature and all other sources deposited into the account. Expenditures from the account may be used only for the purposes listed in RCW ((~~43.215.099~~)) 43.216.080. All receipts from local governments, school districts, institutions of higher education as defined in RCW 28B.10.016, and nonprofit organizations must be deposited into the account.

(2) The department oversees the account. Only the ((~~director~~)) secretary or the ((~~director's~~)) secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(3) The department shall separately track funds received for each local government, school district, institution of higher education as defined in RCW 28B.10.016, or nonprofit organization that deposits funds into the account. Expenditures from these funds may be used only for the purposes listed in RCW ((~~43.215.099~~)) 43.216.080 as identified in writing with the department by the contributing local government, school district, institution of higher education as defined in RCW 28B.10.016, or nonprofit organization.

Sec. 69. RCW 43.216.270 and 2017 3rd sp.s. c 33 s 6 and 2017 3rd sp.s. c 6 s 206 are each reenacted and amended to read as follows:

(1) In determining whether an individual is of appropriate character, suitability, and competence to provide child care and early learning services to children, the department may consider the history of past involvement of child protective services or law enforcement agencies with the individual for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of a child. No report of child abuse or neglect that has been destroyed or expunged under RCW 26.44.031 may be used for such purposes. No unfounded or inconclusive allegation of child abuse or neglect as

defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter.

(2) In order to determine the suitability of individuals newly applying for an agency license, new licensees, their new employees, and other persons who newly have unsupervised access to children in child care, shall be fingerprinted.

(a) The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history record check.

(b)(i) All individuals applying for first-time agency licenses, all new employees, and other persons who have not been previously qualified by the department to have unsupervised access to children in child care must be fingerprinted and obtain a criminal history record check pursuant to this section.

(ii) Persons required to be fingerprinted and obtain a criminal history record check pursuant to this section must pay for the cost of this check as follows: The fee established by the Washington state patrol for the criminal background history check, including the cost of obtaining the fingerprints; and a fee paid to the department for the cost of administering the individual-based/portable background check clearance registry. The fee paid to the department must be deposited into the individual-based/portable background check clearance account established in RCW 43.216.273. The licensee may, but need not, pay these costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.

(c) The secretary shall use the fingerprint criminal history record check information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children.

(d) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

(e) No later than July 1, 2013, all agency licensees holding licenses prior to July 1, 2012, persons who were employees before July 1, 2012, and persons who have been qualified by the department before July 1, 2012, to have unsupervised access to children in child care, must submit a new background application to the department. The department must require persons submitting a new background application pursuant to this subsection (2)(e) to pay a fee to the department for the cost of administering the individual-based/portable background check clearance registry. This fee must be paid into the individual-based/portable background check clearance account established in RCW 43.216.273. The licensee may, but need not, pay these costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.

(f) The department shall issue a background check clearance card or certificate to the applicant if after the completion of a background check the department concludes the applicant is qualified for unsupervised access to children in child care. The background check clearance card or certificate is valid for three years from the date of issuance. A valid card or certificate must be accepted by a potential employer as proof that the applicant has successfully completed a background check as required under this chapter.

(g) The original applicant for an agency license, licensees, their employees, and other persons who have unsupervised access to children in child care shall submit a new background check application to the department, on a form and by a date as determined by the department.

(h) The applicant and agency shall maintain on-site for inspection a copy of the background check clearance card or certificate.

(i) Individuals who have been issued a background check clearance card or certificate shall report nonconviction and conviction information to the department within twenty-four hours of the event constituting the nonconviction or conviction information.

(j) The department shall investigate and conduct a redetermination of an applicant's or licensee's background clearance if the department receives a complaint or information from individuals, a law enforcement agency, or other federal, state, or local government agency. Subject to the requirements contained in RCW 43.216.325 and 43.216.327 and based on a determination that an individual lacks the appropriate character, suitability, or competence to provide child care or early learning services to children, the department may: (i) Invalidate the background card or certificate; or (ii) suspend, modify, or revoke any license authorized by this chapter.

(3) To satisfy the shared background check requirements of the department of children, youth, and families, the office of the superintendent of public instruction, and the department of social and health services, each department shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow these departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. These departments may not share the federal background check results with any other state agency or person.

(4) Individuals who have completed a fingerprint background check as required by the office of the superintendent of public instruction, consistent with RCW 28A.400.303, and have been continuously employed by the same school district or educational service district, can meet the requirements in subsection (2) of this section by providing a true and accurate copy of their Washington state patrol and federal bureau of investigation background check report results to the department or if the school district or the educational service district provides an affidavit to the department that the individual has been authorized to work by the school district or educational service district after completing a record check consistent with RCW 28A.400.303. The department may require that additional background checks be completed that do not require additional fingerprinting and may charge a fee for these additional background checks.

Sec. 70. RCW 43.216.250 and 2017 3rd sp.s. c 6 s 205 are each amended to read as follows:

It shall be the secretary's duty with regard to licensing under this chapter:

(1) In consultation and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of child care facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages and other characteristics of the children served, variations in the purposes and

services offered or size or structure of the agencies to be licensed, or because of any other factor relevant thereto;

(2)(a) In consultation with the state fire marshal's office, the secretary shall use an interagency process to address health and safety requirements for child care programs that serve school-age children and are operated in buildings that contain public or private schools that safely serve children during times in which school is in session;

(b) Any requirements in (a) of this subsection as they relate to the physical facility, including outdoor playgrounds, do not apply to before-school and after-school programs that serve only school-age children and operate in the same facilities used by public or private schools;

(3) In consultation and with the advice and assistance of parents or guardians, and persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed under this chapter;

(4) In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges of each agency and its staff seeking licensure or relicensure, and other persons having unsupervised access to children in child care;

(5) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person;

(6) To issue, revoke, or deny licenses to agencies pursuant to this chapter. Licenses shall specify the category of child care that an agency is authorized to render and the ages and number of children to be served;

(7) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and to require regular reports from each licensee;

(8) To inspect agencies periodically to determine whether or not there is compliance with this chapter and the requirements adopted under this chapter;

(9) To review requirements adopted under this chapter at least every two years and to adopt appropriate changes after consultation with affected groups for child ((~~day~~)) care requirements; and

(10) To consult with public and private agencies in order to help them improve their methods and facilities for the care and early learning of children.

Sec. 71. RCW 13.34.062 and 2009 c 477 s 2 are each amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and

their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by this section shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at __(insert appropriate phone number here)__ for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: __(explain local procedure)__.

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: __(insert name and telephone number)__.

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be

convened for your child's case. You may participate in these processes with your counsel present.

6. If your child is placed in the custody of the department of ((~~social and health services~~)) children, youth, and families or other supervising agency, immediately following the shelter care hearing, the court will enter an order granting the department or other supervising agency the right to inspect and copy all health, medical, mental health, and education records of the child, directing health care providers to release such information without your further consent, and granting the department or supervising agency or its designee the authority and responsibility, where applicable, to:

(1) Notify the child's school that the child is in out-of-home placement;

(2) Enroll the child in school;

(3) Request the school transfer records;

(4) Request and authorize evaluation of special needs;

(5) Attend parent or teacher conferences;

(6) Excuse absences;

(7) Grant permission for extracurricular activities;

(8) Authorize medications which need to be administered during school hours and sign for medical needs that arise during school hours; and

(9) Complete or update school emergency records.

7. If the court decides to place your child in the custody of the department of ((~~social and health services~~)) children, youth, and families or other supervising agency, the department or agency will create a permanency plan for your child, including a primary placement goal and secondary placement goal. The department or agency also will recommend that the court order services for your child and for you, if needed. The department or agency is required to make reasonable efforts to provide you with services to address your parenting problems, and to provide you with visitation with your child according to court orders. Failure to promptly engage in services or to maintain contact with your child may lead to the filing of a petition to terminate your parental rights.

8. Primary and secondary permanency plans are intended to run at the same time so that your child will have a permanent home as quickly as possible. Absent good cause, and when appropriate, the department or other supervising agency must follow the wishes of a natural parent regarding placement of a child. You should tell your lawyer and the court where you wish your child placed immediately, including whether you want your child placed with you, with a relative, or with another suitable person. You also should tell your lawyer and the court what services you feel are necessary and your wishes regarding visitation with your child. Even if you want another parent or person to be the primary placement choice for your child, you should tell your lawyer, the department or other supervising agency, and the court if you want to be a secondary placement option, and you should comply with court orders for services and participate in visitation with your child. Early and consistent involvement in your child's case plan is important for the well-being of your child.

9. A dependency petition begins a judicial process, which, if the court finds your child dependent, could result in substantial restrictions including, the entry or modification of a parenting plan or residential schedule, nonparental custody order or decree, guardianship order, or permanent loss of your parental rights."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(3) If child protective services is not required to give notice under this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(4) Reasonable efforts to advise and to give notice, as required in this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

Sec. 72. RCW 13.34.069 and 2013 c 182 s 4 are each amended to read as follows:

If a child is placed in the custody of the department of ((~~social and health services~~)) children, youth, and families or other supervising agency, immediately following the shelter care hearing, an order and authorization regarding health care and education records for the child shall be entered. The order shall:

(1) Provide the department or other supervising agency with the right to inspect and copy all health, medical, mental health, and education records of the child;

(2) Authorize and direct any agency, hospital, doctor, nurse, dentist, orthodontist, or other health care provider, therapist, drug or alcohol treatment provider, psychologist, psychiatrist, or mental health clinic, or health or medical records custodian or document management company, or school or school organization to permit the department or other supervising agency to inspect and to obtain copies of any records relating to the child involved in the case, without the further consent of the parent or guardian of the child; ((~~and~~))

(3) Identify the person who will serve as the educational liaison; and

(4) Grant the department or other supervising agency or its designee the authority and responsibility, where applicable, to:

(a) Notify the child's school that the child is in out-of-home placement;

(b) Enroll the child in school;

(c) Request the school transfer records;

(d) Request and authorize evaluation of special needs;

(e) Attend parent or teacher conferences;

(f) Excuse absences;

(g) Grant permission for extracurricular activities;

(h) Authorize medications which need to be administered during school hours and sign for medical needs that arise during school hours; and

(i) Complete or update school emergency records.

Access to records under this section is subject to the child's consent where required by other state and federal laws.

Sec. 73. RCW 74.13A.005 and 1985 c 7 s 133 are each amended to read as follows:

It is the policy of this state to enable the secretary to charge fees for certain services to adoptive parents who are able to pay for such services.

It is, however, also the policy of this state that the secretary of the department ((~~of social and health services~~)) shall be liberal in waiving, reducing, or deferring payment of any such fee to the end that adoptions shall be encouraged in cases where prospective adoptive parents lack means.

It is the policy of this state to encourage, within the limits of available funds, the adoption of certain hard to place children in order to make it possible for children living in, or likely to be placed in, foster homes or institutions to benefit from the stability and security of permanent homes in which such children can receive continuous parental care, guidance, protection, and love and to reduce the number of such children who must be placed or remain in foster homes or institutions until they become adults.

It is also the policy of this state to try, by means of the program of adoption support authorized in RCW 26.33.320 and ((~~74.13.100~~)) 74.13A.005 through ((~~74.13.145~~)) 74.13A.080, to reduce the total cost to the state of foster home and institutional care.

Sec. 74. RCW 74.14A.060 and 2016 c 197 s 9 are each amended to read as follows:

Within available funds, the secretary of the department of ((~~social and health services~~)) children, youth, and families shall support blended funding projects for youth. To be eligible for blended funding a child must be eligible for services designed to address a behavioral, mental, emotional, or substance abuse issue from the department of social and health services or the department of children, youth, and families and require services from more than one categorical service delivery system. Before any blended funding project is established by the secretary of the department of children, youth, and families, any entity or person proposing the project shall seek input from the public health and safety network or networks established in the catchment area of the project. The network or networks shall submit recommendations on the blended funding project to the private-public initiative described in RCW 70.305.020. The private-public initiative shall advise the secretary whether to approve the proposed blended funding project. The network shall review the proposed blended funding project pursuant to its authority to examine the decategorization of program funds under RCW 70.190.110, within the current appropriation level. The department shall document the number of children who participate in blended funding projects, the total blended funding amounts per child, the amount charged to each appropriation by program, and services provided to each child through each blended funding project.

Sec. 75. RCW 13.90.010 and 2017 c 279 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ((~~social and health services~~)) children, youth, and families.

(2) "Guardian" means a person who has been appointed by the court as the guardian of a vulnerable youth in a legal proceeding under this chapter. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under chapter 13.34 RCW for the purpose of assisting the court in supervising the dependency. The term "guardian" does not include a "guardian" appointed pursuant to a proceeding under chapter 13.36 RCW or a "dependency guardian" appointed pursuant to a proceeding under chapter 13.34 RCW.

(3) "Juvenile court" or "court" means the juvenile division of the superior court.

(4) "Relative" means a person related to the child in the following ways:

(a) Any parent, or blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(b) A stepfather, stepmother, stepbrother, and stepsister;

(c) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(d) Spouses of any persons named in (a) through (c) of this subsection (4), even after the marriage is terminated;

(e) Relatives, as described in (a) through (d) of this subsection (4), of any half-sibling of the child.

(5)(a) "Suitable person" means a nonrelative who has completed all required criminal history background checks as specified in (b) of this subsection and otherwise appears to be suitable and competent to provide care for the youth.

(b) The criminal background checks required in (a) of this subsection are those set out in RCW 26.10.135 (1) and (2)(b), but apply only to the guardian and not to other adult members of the household.

(6) "Vulnerable youth" is an individual who has turned eighteen years old, but who is not yet twenty-one years old and who is eligible for classification under 8 U.S.C. Sec. 1101(a)(27)(J). A youth who remains in a vulnerable youth guardianship under this chapter shall not be considered a "child" under any other state statute or for any other purpose. A vulnerable youth is one who is not also a nonminor dependent who is participating in extended foster care services authorized under RCW 74.13.031.

Sec. 76. RCW 43.216.015 and 2017 3rd sp.s. c 6 s 101 are each amended to read as follows:

(1)(a) The department of children, youth, and families is created as an executive branch agency. The department is vested with all powers and duties transferred to it under chapter 6, Laws of 2017 3rd sp. sess. and such other powers and duties as may be authorized by law. The vision for the department is that Washington state's children and youth grow up safe and ((~~health-[healthy~~ ~~]~~)) healthy—thriving physically, emotionally, and academically, nurtured by family and community.

(b) The department, in partnership with state and local agencies, tribes, and communities, shall protect children and youth from harm and promote healthy development with effective, high quality prevention, intervention, and early education services delivered in an equitable manner. An important role for the department shall be to provide preventative services to help secure and preserve families in crisis. The department shall partner with the federally recognized Indian tribes to develop effective services for youth and families while respecting the sovereignty of those tribes and the government-to-government relationship. Nothing in chapter 6, Laws of 2017 3rd sp. sess. alters the duties, requirements, and policies of the federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963, as amended, or the Indian child welfare act, chapter 13.38 RCW.

(2) Beginning July 1, 2018, the department must develop definitions for, work plans to address, and metrics to measure the outcomes for children, youth, and families served by the department and must work with state agencies to ensure services for children, youth, and families are science-based, outcome-driven, data-informed, and collaborative.

(3)(a) Beginning July 1, 2018, the department must establish short and long-term population level outcome measure goals, including metrics regarding reducing disparities by family income, race, and ethnicity in each outcome.

(b) The department must report to the legislature on outcome measures, actions taken, progress toward these goals, and plans for the future year, no less than annually, beginning December 1, 2018.

(c) The outcome measures must include, but are not limited to:

(i) Improving child development and school readiness through voluntary, high quality early learning opportunities as measured by: (A) Increasing the number and proportion of children kindergarten-ready as measured by the Washington kindergarten inventory of developing skills (WAKids) assessment including mathematics; (B) increasing the proportion of children in early learning programs that have achieved the level 3 or higher early achievers quality standard; and (C) increasing the available supply of licensed child care in both child care centers and family homes, including providers not receiving state subsidy;

(ii) Preventing child abuse and neglect;

(iii) Improving child and youth safety, permanency, and well-being as measured by: (A) Reducing the number of children entering out-of-home care; (B) reducing a child's length of stay in out-of-home care; (C) reducing maltreatment of youth while in out-of-home care; (D) licensing more foster homes than there are children in foster care; (E) reducing the number of children that reenter out-of-home care within twelve months; (F) increasing the stability of placements for children in out-of-home care; and (G) developing strategies to demonstrate to foster families that their service and involvement is highly valued by the department, as demonstrated by the development of strategies to consult with foster families regarding future placement of a foster child currently placed with a foster family;

(iv) Improving reconciliation of children and youth with their families as measured by: (A) Increasing family reunification; and (B) increasing the number of youth who are reunified with their family of origin;

(v) In collaboration with county juvenile justice programs, improving adolescent outcomes including reducing multisystem involvement and homelessness; and increasing school graduation rates and successful transitions to adulthood for youth involved in the child welfare and juvenile justice systems;

(vi) Reducing future demand for mental health and substance use disorder treatment for youth involved in the child welfare and juvenile justice systems;

(vii) In collaboration with county juvenile justice programs, reducing criminal justice involvement and recidivism as measured by: (A) An increase in the number of youth who successfully complete the terms of diversion or alternative sentencing options; (B) a decrease in the number of youth who commit subsequent crimes; and (C) eliminating the discharge of youth from institutional settings into homelessness; and

(viii) Reducing racial and ethnic disproportionality and disparities in system involvement and across child and youth outcomes in collaboration with other state agencies.

(4) Beginning July 1, 2018, the department must:

(a) Lead ongoing collaborative work to minimize or eliminate systemic barriers to effective, integrated services in collaboration with state agencies serving children, youth, and families;

(b) Identify necessary improvements and updates to statutes relevant to their responsibilities and proposing legislative changes to the governor no less than biennially;

(c) Help create a data-focused environment in which there are aligned outcomes and shared accountability for achieving those outcomes, with shared, real-time data that is accessible to authorized persons interacting with the family, child, or youth to identify what is needed and which services would be effective;

(d) Lead the provision of state services to adolescents, focusing on key transition points for youth, including exiting foster care and institutions, and coordinating with the office of homeless youth prevention and protection programs to address the unique needs of homeless youth; and

(e) Create and annually update a list of the rights and responsibilities of foster parents in partnership with foster parent representatives. The list of foster parent rights and responsibilities must be posted on the department's web site and provided to foster parents in writing at the time of licensure.

(5) The department is accountable to the public. To ensure transparency, beginning December 30, 2018, agency performance data for the services provided by the department, including outcome data for contracted services, must be available to the public, consistent with confidentiality laws, federal protections, and individual rights to privacy. Publicly available data must include budget and funding decisions, performance-based contracting data, including data for contracted services, and performance data on metrics identified in this section. The oversight board for children, youth, and families must work with the secretary and director to develop the most effective and cost-efficient ways to make department data available to the public, including making this data readily available on the department's web site.

(6) The department shall ensure that all new and renewed contracts for services are performance-based.

(7) As used in this section, "performance-based contract" means results-oriented contracting that focuses on the quality or outcomes that tie at least a

portion of the contractor's payment, contract extensions, or contract renewals to the achievement of specific measurable performance standards and requirements.

(8) The department must execute all new and renewed contracts for services in accordance with this section and consistent with RCW 74.13B.020. When contracted services are managed through a network administrator or other third party, the department must execute data-sharing agreements with the entities managing the contracts to track provider performance measures. Contracts with network administrators or other third parties must provide the contract administrator the ability to shift resources from one provider to another, to evaluate individual provider performance, to add or delete services in consultation with the department, and to reinvest savings from increased efficiencies into new or improved services in their catchment area. Whenever possible, contractor performance data must be made available to the public, consistent with confidentiality laws and individual rights to privacy.

(9)(a) The oversight board for children, youth, and families shall begin its work and call the first meeting of the board on or after July 1, 2018. The oversight board shall immediately assume the duties of the legislative children's oversight committee, as provided for in RCW 74.13.570 and assume the full functions of the board as provided for in this section by July 1, 2019. The office of innovation, alignment, and accountability shall provide quarterly updates regarding the implementation of the department of children, youth, and families to the board between July 1, 2018, and July 1, 2019.

(b) The ombuds shall establish the oversight board for children, youth, and families. The board is authorized for the purpose of monitoring and ensuring that the department of children, youth, and families achieves the stated outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with administrative acts, relevant statutes, rules, and policies pertaining to early learning, juvenile rehabilitation, juvenile justice, and children and family services.

(10)(a) The oversight board for children, youth, and families shall consist of two senators and two representatives from the legislature with one member from each major caucus, one nonvoting representative from the governor's office, one subject matter expert in early learning, one subject matter expert in child welfare, one subject matter expert in juvenile rehabilitation and justice, one subject matter expert in reducing disparities in child outcomes by family income and race and ethnicity, one tribal representative from the west of the crest of the Cascade mountains, one tribal representative from the east of the crest of the Cascade mountains, one current or former foster parent representative, one representative of an organization that advocates for the best interest of the child, one parent stakeholder group representative, one law enforcement representative, one child welfare caseworker representative, one early childhood learning program implementation practitioner, and one judicial representative presiding over child welfare court proceedings or other children's matters.

(b) The senate members of the board shall be appointed by the leaders of the two major caucuses of the senate. The house of representatives members of the board shall be appointed by the leaders of the two major caucuses of the house of representatives. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year.

(c) The remaining board members shall be nominated by the governor, subject to the approval of the appointed legislators by majority vote, and serve four-year terms.

(11) The oversight board for children, youth, and families has the following powers, which may be exercised by majority vote of the board:

(a) To receive reports of the family and children's ombuds;

(b) To obtain access to all relevant records in the possession of the family and children's ombuds, except as prohibited by law;

(c) To select its officers and adoption of rules for orderly procedure;

(d) To request investigations by the family and children's ombuds of administrative acts;

(e) To request and receive information, outcome data, documents, materials, and records from the department of children, youth, and families relating to children and family welfare, juvenile rehabilitation, juvenile justice, and early learning;

(f) To determine whether the department of children, youth, and families is achieving the performance measures;

(g) If final review is requested by a licensee, to review whether department of children, youth, and families' licensors appropriately and consistently applied agency rules in child care facility licensing compliance agreements as defined in RCW 43.216.395 that do not involve a violation of health and safety standards as defined in RCW 43.216.395 in cases that have already been reviewed by the internal review process described in RCW 43.216.395 with the authority to overturn, change, or uphold such decisions;

(h) To conduct annual reviews of a sample of department of children, youth, and families contracts for services from a variety of program and service areas to ensure that those contracts are performance-based and to assess the measures included in each contract; and

(i) Upon receipt of records or data from the family and children's ombuds or the department of children, youth, and families, the oversight board for children, youth, and families is subject to the same confidentiality restrictions as the family and children's ombuds is under RCW 43.06A.050. The provisions of RCW 43.06A.060 also apply to the oversight board for children, youth, and families.

(12) The oversight board for children, youth, and families has general oversight over the performance and policies of the department and shall provide advice and input to the department and the governor.

(13) The oversight board for children, youth, and families must no less than twice per year convene stakeholder meetings to allow feedback to the board regarding contracting with the department of children, youth, and families, departmental use of local, state, private, and federal funds, and other matters as relating to carrying out the duties of the department.

(14) The oversight board for children, youth, and families shall review existing surveys of providers, customers, parent groups, and external services to assess whether the department of children, youth, and families is effectively delivering services, and shall conduct additional surveys as needed to assess whether the department is effectively delivering services.

(15) The oversight board for children, youth, and families is subject to the open public meetings act, chapter 42.30 RCW, except to the extent disclosure of records or information is otherwise confidential under state or federal law.

(16) Records or information received by the oversight board for children, youth, and families is confidential to the extent permitted by state or federal law. This subsection does not create an exception for records covered by RCW 13.50.100.

(17) The oversight board for children, youth, and families members shall receive no compensation for their service on the board, but shall be reimbursed for travel expenses incurred while attending meetings of the board when authorized by the board in accordance with RCW 43.03.050 and 43.03.060.

(18) The oversight board for children, youth, and families shall select, by majority vote, an executive director who shall be the chief administrative officer of the board and shall be responsible for carrying out the policies adopted by the board. The executive director is exempt from the provisions of the state civil service law, chapter 41.06 RCW, and shall serve at the pleasure of the board established in this section.

(19) The oversight board for children, youth, and families shall maintain a staff not to exceed one full-time equivalent employee. The board-selected executive director of the board is responsible for coordinating staff appointments.

(20) The oversight board for children, youth, and families shall issue an annual report to the governor and legislature by December 1st of each year with an initial report delivered by December 1, 2019. The report must review the department of children, youth, and families' progress towards meeting stated performance measures and desired performance outcomes, and must also include a review of the department's strategic plan, policies, and rules.

(21) As used in this section, "department" means the department of children, youth, and families, "director" means the director of the office of innovation, alignment, and accountability, and "secretary" means the secretary of the department.

(22) The governor must appoint the secretary of the department within thirty days of July 6, 2017.

Sec. 77. RCW 43.06A.030 and 2017 3rd sp.s. c 6 s 112 are each amended to read as follows:

The ombuds shall perform the following duties:

(1) Provide information as appropriate on the rights and responsibilities of individuals receiving family and children's services, juvenile justice, juvenile rehabilitation, and child early learning, and on the procedures for providing these services;

(2) Investigate, upon his or her own initiative or upon receipt of a complaint, an administrative act alleged to be contrary to law, rule, or policy, imposed without an adequate statement of reason, or based on irrelevant, immaterial, or erroneous grounds; however, the ombuds may decline to investigate any complaint as provided by rules adopted under this chapter;

(3) Monitor the procedures as established, implemented, and practiced by the department of children, youth, and families to carry out its responsibilities in delivering family and children's services with a view toward appropriate preservation of families and ensuring children's health and safety;

(4) Review periodically the facilities and procedures of state institutions serving children, youth, and families, and state-licensed facilities or residences;

(5) Recommend changes in the procedures for addressing the needs of children, youth, and families;

(6) Submit annually to the oversight board for children, youth, and families created in RCW 43.216.015 and to the governor by November 1st a report analyzing the work of the department of children, youth, and families, including recommendations;

(7) Grant the ((~~committee~~)) oversight board for children, youth, and families access to all relevant records in the possession of the ombuds unless prohibited by law; and

(8) Adopt rules necessary to implement this chapter.

Sec. 78. RCW 13.50.010 and 2017 3rd sp.s. c 6 s 312 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Good faith effort to pay" means a juvenile offender has either (i) paid the principal amount in full; (ii) made at least eighty percent of the value of full monthly payments within the period from disposition or deferred disposition until the time the amount of restitution owed is under review; or (iii) can show good cause why he or she paid an amount less than eighty percent of the value of full monthly payments;

(b) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the oversight board for children, youth, and families, the office of the family and children's ombuds, the department of social and health services and its contracting agencies, the department of children, youth, and families and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(c) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, notices of hearing or appearance, service documents, witness and exhibit lists, findings of the court and court orders, agreements, judgments, decrees, notices of appeal, as well as documents prepared by the clerk, including court minutes, letters, warrants, waivers, affidavits, declarations, invoices, and the index to clerk papers;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case;

(e) "Social file" means the juvenile court file containing the records and reports of the probation counselor.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services or the department of children, youth, and families relating to a petition

filed pursuant to chapter 13.34 RCW that is found by the court to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) The court shall release to the caseload forecast council the records needed for its research and data-gathering functions. Access to caseload forecast data may be permitted by the council for research purposes only if the anonymity of all persons mentioned in the records or information will be preserved.

(10) Juvenile detention facilities shall release records to the caseload forecast council upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

(11) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the oversight board for children, youth, and families or the office of the family and children's ombuds.

(12) For the purpose of research only, the administrative office of the courts shall maintain an electronic research copy of all records in the judicial

information system related to juveniles. Access to the research copy is restricted to the administrative office of the courts for research purposes as authorized by the supreme court or by state statute. The administrative office of the courts shall maintain the confidentiality of all confidential records and shall preserve the anonymity of all persons identified in the research copy. Data contained in the research copy may be shared with other governmental agencies as authorized by state statute, pursuant to data-sharing and research agreements, and consistent with applicable security and confidentiality requirements. The research copy may not be subject to any records retention schedule and must include records destroyed or removed from the judicial information system pursuant to RCW 13.50.270 and 13.50.100(3).

(13) The court shall release to the Washington state office of public defense records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.70.020. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of public defense. The Washington state office of public defense shall maintain the confidentiality of all confidential information included in the records.

(14) The court shall release to the Washington state office of civil legal aid records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.53.045. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of civil legal aid. The Washington state office of civil legal aid shall maintain the confidentiality of all confidential information included in the records, and shall, as soon as possible, destroy any retained notes or records obtained under this section that are not necessary for its functions related to RCW 2.53.045.

(15) For purposes of providing for the educational success of youth in foster care, the department of children, youth, and families may disclose only those confidential child welfare records that pertain to or may assist with meeting the educational needs of foster youth to another state agency or state agency's contracted provider responsible under state law or contract for assisting foster youth to attain educational success. The records retain their confidentiality pursuant to this chapter and federal law and cannot be further disclosed except as allowed under this chapter and federal law.

(16) For the purpose of ensuring the safety and welfare of the youth who are in foster care, the department of children, youth, and families may disclose to the department of commerce and its contracted providers responsible under state law or contract for providing services to youth, only those confidential child welfare records that pertain to ensuring the safety and welfare of the youth who are in foster care who are admitted to crisis residential centers or HOPE centers under contract with the office of homeless youth prevention and protection. Records disclosed under this subsection retain their confidentiality pursuant to this chapter and federal law and may not be further disclosed except as permitted by this chapter and federal law.

(17) For purposes of investigating and preventing child abuse and neglect, and providing for the health care coordination and the well-being of children in foster care, the department of children, youth, and families may disclose only those confidential child welfare records that pertain to or may assist with

investigation and prevention of child abuse and neglect, or may assist with providing for the health and well-being of children in foster care to the department of social and health services, the health care authority, or their contracting agencies. For purposes of investigating and preventing child abuse and neglect, and to provide for the coordination of health care and the well-being of children in foster care, the department of social and health services and the health care authority may disclose only those confidential child welfare records that pertain to or may assist with investigation and prevention of child abuse and neglect, or may assist with providing for the health care coordination and the well-being of children in foster care to the department of children, youth, and families, or its contracting agencies. The records retain their confidentiality pursuant to this chapter and federal law and cannot be further disclosed except as allowed under this chapter and federal law.

Sec. 79. RCW 74.14B.010 and 2017 3rd sp.s. c 6 s 506 are each amended to read as follows:

(1) Caseworkers employed in children services shall meet minimum standards established by the department. Comprehensive training for caseworkers shall be completed before such caseworkers are assigned to case-carrying responsibilities without direct supervision. Intermittent, part-time, and standby workers shall be subject to the same minimum standards and training.

(2) Ongoing specialized training shall be provided for persons responsible for investigating child sexual abuse. Training participants shall have the opportunity to practice interview skills and receive feedback from instructors.

(3) The department, the criminal justice training commission, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys shall design and implement statewide training that contains consistent elements for persons engaged in the interviewing of children, including law enforcement, prosecution, and child protective services.

(4) The training shall: (a) Be based on research-based practices and standards; (b) minimize the trauma of all persons who are interviewed during abuse investigations; (c) provide methods of reducing the number of investigative interviews necessary whenever possible; (d) assure, to the extent possible, that investigative interviews are thorough, objective, and complete; (e) recognize needs of special populations, such as persons with developmental disabilities; (f) recognize the nature and consequences of victimization; (g) require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; (h) address record retention and retrieval; and (i) documentation of investigative interviews.

(5) The identification of domestic violence is critical in ensuring the safety of children in the child welfare system. As a result, ongoing domestic violence training and consultation shall be provided to caseworkers, including how to use the ((~~children's administration's~~)) department's practice guide to domestic violence.

Sec. 80. RCW 43.216.906 and 2017 3rd sp.s. c 6 s 803 are each amended to read as follows:

(1) All powers, duties, and functions of the department of social and health services pertaining to child welfare services under chapters 13.32A, 13.34, 13.36, 13.38, 13.50, 13.60, 13.64, 26.33, 26.44, 74.13, 74.13A, 74.14B, 74.14C, and 74.15 RCW are transferred to the department of children, youth, and families. All references to the secretary or the department of social and health services in the Revised Code of Washington shall be construed to mean the secretary or the department of children, youth, and families when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of social and health services pertaining to the powers, duties, and functions transferred shall be delivered to the custody of the department of children, youth, and families. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of social and health services in carrying out the powers, duties, and functions transferred shall be made available to the department of children, youth, and families. All funds, credits, or other assets held in connection with the powers, duties, and functions transferred shall be assigned to the department of children, youth, and families.

(b) Any appropriations made to the department of social and health services for carrying out the powers, duties, and functions transferred shall, on July 1, 2018, be transferred and credited to the department of children, youth, and families.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of social and health services engaged in performing the powers, duties, and functions transferred are transferred to the jurisdiction of the department of children, youth, and families. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of children, youth, and families to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of social and health services pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the department of children, youth, and families. All existing contracts and obligations shall remain in full force and shall be performed by the department of children, youth, and families.

(5) The transfer of the powers, duties, functions, and personnel of the department of social and health services shall not affect the validity of any act performed before July 1, 2018.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments

in funds and appropriation accounts and equipment records in accordance with the certification.

(7)(a) The portions of any bargaining units of employees at the department of social and health services existing on July 1, 2018, that are transferred to the department of children, youth, and families shall be considered separate appropriate units within the department of children, youth, and families unless and until modified by the public employment relations commission pursuant to Title 391 WAC. The exclusive bargaining representatives recognized as representing the portions of the bargaining units of employees at the department of social and health services existing on July 1, 2018, shall continue as the exclusive bargaining representatives of the transferred bargaining units without the necessity of an election.

(b) The public employment relations commission may review the appropriateness of the collective bargaining units that are a result of the transfer from the department of social and health services to the department of children, youth, and families under chapter 6, Laws of 2017 3rd sp. sess. The employer or the exclusive bargaining representative may petition the public employment relations commission to review the bargaining units in accordance with this section.

Sec. 81. RCW 43.216.905 and 2017 3rd sp.s. c 6 s 802 are each amended to read as follows:

(1) The department of early learning is hereby abolished and its powers, duties, and functions are hereby transferred to the department of children, youth, and families. All references to the ((~~secretary~~)) director or the department of early learning in the Revised Code of Washington shall be construed to mean the secretary or the department of children, youth, and families.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of early learning shall be delivered to the custody of the department of children, youth, and families. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of early learning shall be made available to the department of children, youth, and families. All funds, credits, or other assets held by the department of early learning shall be assigned to the department of children, youth, and families.

(b) Any appropriations made to the department of early learning shall, on July 1, 2018, be transferred and credited to the department of children, youth, and families.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of early learning are transferred to the jurisdiction of the department of children, youth, and families. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of children, youth, and families to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action

that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of early learning shall be continued and acted upon by the department of children, youth, and families. All existing contracts and obligations shall remain in full force and shall be performed by the department of children, youth, and families.

(5) The transfer of the powers, duties, functions, and personnel of the department of early learning shall not affect the validity of any act performed before July 1, 2018.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7)(a) The bargaining units of employees at the department of early learning existing on July 1, 2018, that are transferred to the department of children, youth, and families shall be considered separate appropriate units within the department of children, youth, and families unless and until modified by the public employment relations commission pursuant to Title 391 WAC. The exclusive bargaining representatives recognized as representing the bargaining units of employees at the department of early learning existing on July 1, 2018, shall continue as the exclusive bargaining representatives of the transferred bargaining units without the necessity of an election.

(b) The public employment relations commission may review the appropriateness of the collective bargaining units that are a result of the transfer from the department of early learning to the department of children, youth, and families under chapter 6, Laws of 2017 3rd sp. sess. The employer or the exclusive bargaining representative may petition the public employment relations commission to review the bargaining units in accordance with this section.

NEW SECTION. **Sec. 82.** This act takes effect July 1, 2018.

Passed by the Senate February 9, 2018.
Passed by the House March 1, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 59

[Senate Bill 6404]

CHILD CARE SERVICES--BACKGROUND CHECKS

AN ACT Relating to background checks for persons providing child care services; reenacting and amending RCW 43.216.270; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.216.270 and 2017 3rd sp.s. c 33 s 6 and 2017 3rd sp.s. c 6 s 206 are each reenacted and amended to read as follows:

(1) In determining whether an individual is of appropriate character, suitability, and competence to provide child care and early learning services to

children, the department may consider the history of past involvement of child protective services or law enforcement agencies with the individual for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of a child. No report of child abuse or neglect that has been destroyed or expunged under RCW 26.44.031 may be used for such purposes. No unfounded or inconclusive allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter.

(2) In order to determine the suitability of individuals newly applying for an agency license, new licensees, their new employees, and other persons who newly have unsupervised access to children in care, shall be fingerprinted.

(a) The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history record check.

(b)(i) All individuals applying for first-time agency licenses, all new employees, and other persons who have not been previously qualified by the department to have unsupervised access to children in care must be fingerprinted and obtain a criminal history record check pursuant to this section.

(ii) Persons required to be fingerprinted and obtain a criminal history record check pursuant to this section must pay for the cost of this check as follows: The fee established by the Washington state patrol for the criminal background history check, including the cost of obtaining the fingerprints; and a fee paid to the department for the cost of administering the individual-based/portable background check clearance registry. The fee paid to the department must be deposited into the individual-based/portable background check clearance account established in RCW 43.216.273. The licensee may, but need not, pay these costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.

(c) The secretary shall use the fingerprint criminal history record check information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children.

(d) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

(e) No later than July 1, 2013, all agency licensees holding licenses prior to July 1, 2012, persons who were employees before July 1, 2012, and persons who have been qualified by the department before July 1, 2012, to have unsupervised access to children in care, must submit a new background application to the department. The department must require persons submitting a new background application pursuant to this subsection (2)(e) to pay a fee to the department for the cost of administering the individual-based/portable background check clearance registry. This fee must be paid into the individual-based/portable background check clearance account established in RCW 43.216.273. The licensee may, but need not, pay these costs on behalf of a prospective employee or reimburse the prospective employee for these costs. The licensee and the prospective employee may share these costs.

(f) The department shall issue a background check clearance card or certificate to the applicant if after the completion of a background check the

department concludes the applicant is qualified for unsupervised access to children in child care. The background check clearance card or certificate is valid for three years from the date of issuance. A valid card or certificate must be accepted by a potential employer as proof that the applicant has successfully completed a background check as required under this chapter. For purposes of renewal of the background clearance card or certificate, all agency licensees holding a license, persons who are employees, and persons who have been previously qualified by the department, must submit a new background application to the department on a date to be determined by the department. The fee requirements applicable to this section also apply to background clearance renewal applications.

(g) The original applicant for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care shall submit a new background check application to the department, on a form and by a date as determined by the department.

(h) The payment requirements applicable to (a) through (g) of this subsection do not apply to persons who:

(i) Provide regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours;

(ii) Receive child care subsidies; and

(iii) Are exempt from licensing under this chapter.

(i) The applicant and agency shall maintain on-site for inspection a copy of the background check clearance card or certificate.

((~~(i)~~)) (j) Individuals who have been issued a background check clearance card or certificate shall report nonconviction and conviction information to the department within twenty-four hours of the event constituting the nonconviction or conviction information.

((~~(j)~~)) (k) The department shall investigate and conduct a redetermination of an applicant's or licensee's background clearance if the department receives a complaint or information from individuals, a law enforcement agency, or other federal, state, or local government agency. Subject to the requirements contained in RCW 43.216.325 and 43.216.327 and based on a determination that an individual lacks the appropriate character, suitability, or competence to provide child care or early learning services to children, the department may: (i) Invalidate the background card or certificate; or (ii) suspend, modify, or revoke any license authorized by this chapter.

(3) To satisfy the shared background check requirements of the department of children, youth, and families, the office of the superintendent of public instruction, and the department of social and health services, each department shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow these departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. These departments may not share the federal background check results with any other state agency or person.

(4) Individuals who have completed a fingerprint background check as required by the office of the superintendent of public instruction, consistent with

RCW 28A.400.303, and have been continuously employed by the same school district or educational service district, can meet the requirements in subsection (2) of this section by providing a true and accurate copy of their Washington state patrol and federal bureau of investigation background check report results to the department or if the school district or the educational service district provides an affidavit to the department that the individual has been authorized to work by the school district or educational service district after completing a record check consistent with RCW 28A.400.303. The department may require that additional background checks be completed that do not require additional fingerprinting and may charge a fee for these additional background checks.

NEW SECTION. **Sec. 2.** This act takes effect July 1, 2018.

Passed by the Senate February 13, 2018.
Passed by the House March 1, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 60

[Engrossed Substitute Senate Bill 6434]

ELECTRIC-ASSISTED BICYCLES

AN ACT Relating to electric-assisted bicycles; amending RCW 46.04.169, 46.04.071, 46.20.500, and 46.61.710; and adding a new section to chapter 46.37 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 46.04.169 and 1997 c 328 s 1 are each amended to read as follows:

"Electric-assisted bicycle" means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than ((~~one thousand~~)) seven hundred fifty watts((~~, be incapable of propelling the device at a speed of more than twenty miles per hour on level ground, and be incapable of further increasing the speed of the device when human power alone is used to propel the device beyond twenty miles per hour~~)). The electric-assisted bicycle must meet the requirements of one of the following three classifications:

(1) "Class 1 electric-assisted bicycle" means an electric-assisted bicycle in which the motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour;

(2) "Class 2 electric-assisted bicycle" means an electric-assisted bicycle in which the motor may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or

(3) "Class 3 electric-assisted bicycle" means an electric-assisted bicycle in which the motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour and is equipped with a speedometer.

Sec. 2. RCW 46.04.071 and 1982 c 55 s 4 are each amended to read as follows:

"Bicycle" means every device propelled solely by human power, or an electric-assisted bicycle as defined in RCW 46.04.169, upon which a person or persons may ride, having two tandem wheels either of which is sixteen inches or more in diameter, or three wheels, any one of which is more than twenty inches in diameter.

NEW SECTION. **Sec. 3.** A new section is added to chapter 46.37 RCW to read as follows:

(1) A manufacturer or distributor of new electric-assisted bicycles, where electric-assisted bicycles are defined in RCW 46.04.169, offered for sale or distribution in Washington state must:

(a) Beginning July 1, 2018, permanently affix, in a prominent location, a label printed in arial font and at least nine-point type that contains the classification number, top assisted speed, and motor wattage;

(b) Comply with the equipment and manufacturing requirements for bicycles adopted by the United States consumer product safety commission.

(2) A person shall not tamper with or modify an electric-assisted bicycle, as defined in RCW 46.04.169, so as to change the speed capability of the electric-assisted bicycle, unless the label in subsection (1)(a) of this section is appropriately replaced.

(3) Except as otherwise provided, an electric-assisted bicycle or a rider of an electric-assisted bicycle is subject to the same provisions of this title as a bicycle or the rider of a bicycle.

Sec. 4. RCW 46.20.500 and 2013 c 174 s 2 are each amended to read as follows:

(1) No person may drive either a two-wheeled or a three-wheeled motorcycle, or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles.

(2) However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped.

(3) No driver's license is required for operation of an electric-assisted bicycle ((~~if the operator is at least sixteen years of age~~)). Persons under sixteen years of age may not operate ((~~an~~)) a class 3 electric-assisted bicycle.

(4) No driver's license is required to operate an electric personal assistive mobility device or a power wheelchair.

(5) No driver's license is required to operate a motorized foot scooter. Motorized foot scooters may not be operated at any time from a half hour after sunset to a half hour before sunrise without reflectors of a type approved by the state patrol.

(6) A person holding a valid driver's license may operate a motorcycle as defined under RCW 46.04.330(2) without a motorcycle endorsement.

(7) A person operating a motorcycle with a stabilizing conversion kit must have a valid driver's license specially endorsed by the director for a three-wheeled motorcycle to enable the holder to operate such a motorcycle.

Sec. 5. RCW 46.61.710 and 2011 c 171 s 81 are each amended to read as follows:

(1) No person shall operate a moped upon the highways of this state unless the moped has been assigned a moped registration number and displays a moped permit in accordance with RCW 46.16A.405(2).

(2) Notwithstanding any other provision of law, a moped may not be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail.

(3) Operation of a moped, electric personal assistive mobility device, or motorized foot scooter((~~, or an electric-assisted bicycle~~)) on a fully controlled limited access highway is unlawful. Operation of a moped((~~,~~)) on a sidewalk is unlawful. Operation of a motorized foot scooter((~~,~~)) or ((~~an~~)) class 3 electric-assisted bicycle on a sidewalk is unlawful, unless there is no alternative for a motorized foot scooter or a class 3 electric-assisted bicycle to travel over a sidewalk as part of a bicycle or pedestrian path.

(4) Removal of any muffling device or pollution control device from a moped is unlawful.

(5) Subsections (1), (2), and (4) of this section do not apply to electric-assisted bicycles.

(6) Electric-assisted bicycles and motorized foot scooters may have access to highways((~~, other than limited access highways,~~)) of the state to the same extent as bicycles, subject to RCW 46.61.160.

(7) Subject to subsection (((~~6~~))) (10) of this section, class 1 and class 2 electric-assisted bicycles and motorized foot scooters may be operated on a ((~~multipurpose trail~~)) shared-use path or ((~~bicycle lane~~)) any part of a highway designated for the use of bicycles, but local jurisdictions or state agencies may restrict or otherwise limit the access of electric-assisted bicycles and motorized foot scooters, and local jurisdictions or state agencies may regulate the use of class 1 and class 2 electric-assisted bicycles and motorized foot scooters on facilities and properties under their jurisdiction and control. Local regulation of the operation of class 1 or class 2 electric-assisted bicycles, upon a shared use path designated for the use of bicycles that crosses jurisdictional boundaries of two or more local jurisdictions, must be consistent for the entire shared use path in order for the local regulation to be enforceable; however, this does not apply to local regulations of a shared use path in effect as of January 1, 2018.

(((~~6~~))) (8) Class 3 electric-assisted bicycles may be operated on facilities that are within or adjacent to a highway. Class 3 electric-assisted bicycles may not be operated on a shared-use path, except where local jurisdictions may allow the use of class 3 electric-assisted bicycles. State agencies or local jurisdictions may regulate the use of class 3 electric-assisted bicycles on facilities and properties under their jurisdiction and control. Local regulation of the operation of class 3 electric-assisted bicycles, upon a shared use path designated for the use of bicycles that crosses jurisdictional boundaries of two or more local jurisdictions, must be consistent for the entire shared use path in order for the local regulation to be enforceable; however, this does not apply to local regulations of a shared use path in effect as of January 1, 2018.

(9) Except as otherwise provided in this section, an individual shall not operate an electric-assisted bicycle on a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A local authority or

agency of this state having jurisdiction over a trail described in this subsection may allow the operation of an electric-assisted bicycle on that trail.

(10) Subsections (1) and (4) of this section do not apply to motorized foot scooters. Subsection (2) of this section applies to motorized foot scooters when the bicycle path, trail, bikeway, equestrian trail, or hiking or recreational trail was built or is maintained with federal highway transportation funds. Additionally, any new trail or bicycle path or readily identifiable existing trail or bicycle path not built or maintained with federal highway transportation funds may be used by persons operating motorized foot scooters only when appropriately signed.

((~~(7)~~)) (11) A person operating an electric personal assistive mobility device (EPAMD) shall obey all speed limits and shall yield the right-of-way to pedestrians and human-powered devices at all times. An operator must also give an audible signal before overtaking and passing a pedestrian. Except for the limitations of this subsection, persons operating an EPAMD have all the rights and duties of a pedestrian.

((~~(8)~~)) (12) The use of an EPAMD may be regulated in the following circumstances:

(a) A municipality and the department of transportation may prohibit the operation of an EPAMD on public highways within their respective jurisdictions where the speed limit is greater than twenty-five miles per hour;

(b) A municipality may restrict the speed of an EPAMD in locations with congested pedestrian or nonmotorized traffic and where there is significant speed differential between pedestrians or nonmotorized traffic and EPAMD operators. The areas in this subsection must be designated by the city engineer or designee of the municipality. Municipalities shall not restrict the speed of an EPAMD in the entire community or in areas in which there is infrequent pedestrian traffic;

(c) A state agency or local government may regulate the operation of an EPAMD within the boundaries of any area used for recreation, open space, habitat, trails, or conservation purposes.

Passed by the Senate February 9, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 13, 2018.
Filed in Office of Secretary of State March 13, 2018.

CHAPTER 61

[Engrossed Substitute House Bill 2701]
VETERAN DEFINITION

AN ACT Relating to the definition of veteran; and reenacting and amending RCW 41.04.005.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 41.04.005 and 2005 c 255 s 1 and 2005 c 247 s 1 are each reenacted and amended to read as follows:

(1) As used in RCW 41.04.005, 41.16.220, 41.20.050, and 41.40.170((~~, and 28B.15.380~~)) "veteran" includes every person, who at the time he or she seeks the benefits of RCW 41.04.005, 41.16.220, 41.20.050, or 41.40.170((~~, or 28B.15.380~~)) has received an honorable discharge, is actively serving honorably,

or received a discharge for physical reasons with an honorable record and who meets at least one of the following criteria:

(a) The person has served between World War I and World War II or during any period of war, as defined in subsection (2) of this section, as either:

(i) A member in any branch of the armed forces of the United States;

(ii) A member of the women's air forces service pilots;

(iii) A U.S. documented merchant mariner with service aboard an oceangoing vessel operated by the war shipping administration, the office of defense transportation, or their agents, from December 7, 1941, through December 31, 1946; or

(iv) A civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946; or

(b) The person has received the armed forces expeditionary medal, or marine corps and navy expeditionary medal, for opposed action on foreign soil, for service:

(i) In any branch of the armed forces of the United States; or

(ii) As a member of the women's air forces service pilots.

(2) A "period of war" includes:

(a) World War I;

(b) World War II;

(c) The Korean conflict;

(d) The Vietnam era, which means:

(i) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period;

(ii) The period beginning August 5, 1964, and ending on May 7, 1975;

(e) The Persian Gulf War, which was the period beginning August 2, 1990, and ending on ((~~the date prescribed by presidential proclamation or law~~)) February 28, 1991, or ending on November 30, 1995, if the participant was awarded a campaign badge or medal for such period;

(f) The period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress; and

(g) The following armed conflicts, if the participant was awarded the respective campaign badge or medal, or if the service was such that a campaign badge or medal would have been awarded, except that the member already received a campaign badge or medal for a prior deployment during that same conflict: The crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; Bosnia, Operation Joint Endeavor; Operation Noble Eagle; southern or central Asia, Operation Enduring Freedom; ((~~and~~)) Persian Gulf, Operation Iraqi Freedom; Iraq and Syria, Operation Inherent Resolve; and Afghanistan, Operation Freedom's Sentinel.

Passed by the House February 13, 2018.

Passed by the Senate March 2, 2018.

Approved by the Governor March 13, 2018.

Filed in Office of Secretary of State March 13, 2018.

CHAPTER 62

[Engrossed Second Substitute Senate Bill 6029]

STUDENT LOANS

AN ACT Relating to establishing a student loan bill of rights; amending RCW 28B.10.285, 43.320.110, 31.04.027, 31.04.035, 31.04.093, 31.04.102, 31.04.145, 31.04.165, 31.04.277, and 31.04.310; reenacting and amending RCW 31.04.015; adding new sections to chapter 28B.77 RCW; adding new sections to chapter 31.04 RCW; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.77 RCW to read as follows:

(1) The council shall designate a student loan advocate within the office to provide timely assistance to any student education loan borrower with any student education loan. The student loan advocate may hire additional staff as necessary to implement this section.

(2) The student loan advocate receives and reviews complaints from student education loan borrowers. Complaints regarding student education loan servicers licensed or subject to licensing under chapter 31.04 RCW must be referred to the department of financial institutions. The department of financial institutions investigates complaints received by the student loan advocate, and from the public who may also submit complaints directly to the department of financial institutions.

(3) The student loan advocate, in collaboration with the attorney general's office, receives, reviews, and refers to the attorney general's consumer protection division all other complaints from student education loan borrowers regarding student education loan servicers whose activities are not subject to licensure by chapter 31.04 RCW.

(4) The student loan advocate, the department of financial institutions, and the office of the attorney general shall confer annually regarding the student education loan servicer complaints, the proper referral processes for those complaints, and the reporting requirements of the advocate under chapter 31.04 RCW and this section.

(5) The student loan advocate has the following duties:

(a) Compile and analyze data on student education loan borrower complaints received and referred to the department of financial institutions and the office of the attorney general;

(b) Assist student education loan borrowers in understanding rights and responsibilities under the terms of student education loans, including reviewing the complete student education loan history for any student education loan borrower who has provided written consent for the review;

(c) Provide information to the public, agencies, legislators, and others regarding the problems and concerns of student education loan borrowers and make recommendations for resolving those problems and concerns;

(d) Analyze and monitor the development and implementation of federal, state, and local laws, rules, regulations, and policies relating to student education loan borrowers and recommend any changes the student loan advocate deems necessary;

(e) Assess the number of residents with federal student education loans who have applied for, received, or are awaiting a decision on forgiveness or discharge

of a student education loan on a comparable annual basis, subject to the availability of applicable data;

(f) Disseminate information concerning the availability of the student loan advocate to assist student education loan borrowers and potential student education loan borrowers, as well as institutions of higher education, student education loan servicers, and any other participant in student education loan lending, with any student education loan concerns;

(g) Take any action reasonably calculated or intended to assist student education loan borrowers, including providing assistance applying for forgiveness or discharge of a student education loan and communicating with a student education loan servicer to resolve a complaint received by the advocate from a student education loan borrower; and

(h) Take any other actions necessary to fulfill the duties of the student loan advocate as provided in chapter 31.04 RCW and this section.

(6) By October 1, 2020, the student loan advocate shall establish and maintain a student education loan borrower education course that includes educational presentations and materials regarding issues surrounding student education loans. The course must include, but not be limited to, key loan terms, documentation requirements, monthly payment obligations, income-driven repayment options, loan forgiveness, refund, and discharge, state-based tuition recovery, disclosures, federal consumer information and warnings, federal regulations intended to protect federal student loan borrowers, options for submitting complaints to the student loan advocate and state and federal agencies, and specific benefits and options for military service members and veterans.

(7) By December 31, 2020, the council shall submit a report to the appropriate committees of the legislature having jurisdiction over matters relating to financial institutions and higher education. The council shall report on: (a) The implementation of this section; (b) the overall effectiveness of the student loan advocate; (c) the types of complaints received regarding student education loan borrowing, student education loan repayments and servicing, and how these complaints are resolved; and (d) other data on outstanding student education loan issues faced by borrowers.

(8) Implementation of this section by the council is subject to the availability of amounts appropriated and the balance of the student loan advocate account.

Sec. 2. RCW 28B.10.285 and 2017 c 154 s 2 are each amended to read as follows:

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

(a) "Educational institution" includes any entity that is an institution of higher education as defined in RCW 28B.10.016, a degree-granting institution as defined in RCW 28B.85.010, a private vocational school as defined in RCW 28C.10.020, or school as defined in RCW 18.16.020.

(b) "Student education loan" means any loan solely for personal use to finance postsecondary education and costs of attendance at an educational institution.

(2) ((~~Subject to the availability of amounts appropriated for this specific purpose,~~)) An educational institution must provide to an enrolled student who

has applied for student financial aid a notification including the following information about the student education loans the educational institution has certified:

(a) An estimate, based on information available at the time the notification is provided, of the:

(i) Total amount of student education loans taken out by the student;

(ii) Potential total payoff amount of the student education loans incurred or a range of the total payoff amount, including principal and interest;

(iii) The monthly repayment amount that the student may incur for the amount of student education loans the student has taken out, based on the federal loan repayment plan borrowers are automatically enrolled in if they do not select an alternative repayment plan; ((~~and~~))

(iv) A statement that income-driven repayment plans may allow a federal student loan borrower to reduce their monthly payment according to a percentage of their income, and a brief summary of the potentially applicable plans; and

(v) Percentage of the aggregate federal direct loan borrowing limit applicable to the student's program of study the student has reached at the time the information is sent to the student; and

(b) Consumer information about the differences between private student loans and federal student loans, including a brief overview of the availability of income-((~~based~~)) driven repayment plans and loan forgiveness programs for federal loans.

(3) The notification provided under subsection (2) of this section must include a statement that the estimates and ranges provided are general in nature and not meant as a guarantee or promise of the actual projected amount. It must also include a statement that a variety of repayment plans are available for federal student loans that may limit the monthly repayment amount based on income.

(4) The notification must include information about how to access resources for student education loan borrowers provided by federal or state agencies, such as a student education loan debt hotline and web site or student ((~~education~~)) loan ((~~ombuds~~)) advocate, federal student loan repayment calculator, complaint portals, or other available resources. This information must include contact information for the student loan advocate established pursuant to section 1 of this act.

(5) An educational institution must provide the notification required in subsection (2) of this section via email. In addition, the educational institution may provide the notification in writing, in an electronic format, or in person.

(6) An educational institution does not incur liability, including for actions under chapter 19.86 RCW by the attorney general, for any good faith representations made under subsection (2) of this section.

(7) Educational institutions must begin providing the notification required under subsection (2) of this section by July 1, 2018, each time a financial aid package that includes a new or revised student education loan is offered to the student.

(8) Subject to the availability of amounts appropriated for this specific purpose, an organization representing the public four-year colleges and universities, an organization representing the private nonprofit institutions, the

state board for community and technical colleges under chapter 28B.50 RCW, the workforce training and education coordinating board as defined in RCW 28C.18.020, and the department of licensing under chapter 46.01 RCW, must develop a form for the educational institutions to use to report compliance by July 1, 2018.

(9) Beginning December 1, 2019, and biannually thereafter until December 25, 2025, the organizations under subsection (8) of this section must submit a report in compliance with RCW 43.01.036 to the legislature that details how the educational institutions are in compliance with this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 31.04 RCW to read as follows:

(1) The director shall establish fees by rule sufficient to cover the costs of administering the department's program for student education loan servicers and the student achievement council's student loan advocate. These fees may include:

(a) An annual assessment specified in rule by the director paid by each licensee on or before the annual assessment due date;

(b) A late fee for late payment of the annual assessment as specified in rule by the director;

(c) Hourly investigation and examination fees to cover the costs of any investigation or examination of the books and records of a licensee or other person subject to this chapter;

(d) A nonrefundable application fee to cover the costs of processing license applications made to the director under this chapter;

(e) An initial license fee to cover the period from the date of licensure to the end of the calendar year in which the license is initially granted; and

(f) A transaction fee or set of transaction fees to cover the administrative costs associated with processing changes in control, changes of address, and other administrative changes as specified in rule by the director.

(2) The director shall ensure that when an examination or investigation, or any part of the examination or investigation, of any licensee applicant or person subject to licensing under this chapter requires travel and services outside this state by the director or designee, the licensee applicant or person subject to licensing under this chapter that is the subject of the examination or investigation shall pay the actual travel expenses incurred by the director or designee conducting the examination or investigation.

(3) All moneys, fees, and penalties collected for the department's program for student education loan servicing shall be deposited into the financial services regulation fund, except as provided in RCW 43.320.110.

(4) The director's obligations or duties under chapter . . ., Laws of 2018 (this act) are subject to section 21 of this act.

Sec. 4. RCW 43.320.110 and 2017 3rd sp.s. c 1 s 976 are each amended to read as follows:

(1) There is created a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except for the division of securities which shall deposit thirteen percent of all moneys received, except as provided in RCW 43.320.115, and which shall be used for the purchase of supplies and necessary

equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

(2) During the ((~~2015-2017~~)) 2017-2019 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund. During the ((~~2015-2017 and~~)) 2017-2019 fiscal ((~~biennia~~)) biennium, moneys from the financial services regulation fund may be appropriated for the family prosperity account program at the department of commerce and for the operations of the department of revenue.

(3)(a) Beginning in the 2020-2021 fiscal year, the state treasurer shall annually transfer from the fund to the student loan advocate account created in section 5 of this act, the greater of one hundred seventy-five thousand dollars or twenty percent of the annual assessment derived from student education loan servicing.

(b) The department must provide information to the state treasurer regarding the amount of the annual assessment derived from student education loan servicing.

(4) The director's obligations or duties under chapter . . ., Laws of 2018 (this act) are subject to section 21 of this act.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.77 RCW to read as follows:

The student loan advocate account is created in the custody of the state treasurer. Expenditures from the account may be used only for the purpose of covering the costs of administering the student loan advocate program created in section 1 of this act. Only the executive director of the council or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditure.

NEW SECTION. **Sec. 6.** A new section is added to chapter 31.04 RCW to read as follows:

(1) In addition to complying with any applicable federal program requirements, a student education loan servicer must comply with the following requirements:

(a) Any fee that is assessed by a servicer must be assessed within forty-five days of the date on which the fee was incurred and must be explained clearly and conspicuously in a statement mailed to the borrower at the borrower's last known address no more than thirty days after assessing the fee, or provided via email if the borrower has assented to receive electronic communications;

(b) All amounts received by a servicer on a student education loan at the address where the borrower has been instructed to make payments must be accepted and credited, or treated as credited, within one business day of the date received, provided that the borrower has provided sufficient information to

credit the account. If a servicer uses the scheduled method of accounting, any regularly scheduled payment made prior to the scheduled due date must be credited no later than the due date. If any payment is received and not credited, or treated as credited, the borrower must be notified of the disposition of the payment within ten business days by mail at the borrower's last known address. The notification must identify the reason the payment was not credited or treated as credited to the account, as well as any actions the borrower must take to make the student education loan current;

(c) The servicer must make reasonable attempts to comply with a borrower's request for information about the student education loan account and to respond to any dispute initiated by the borrower about the loan account. The servicer:

(i) Must maintain written or electronic records of each written request for information regarding a dispute or error involving the borrower's account until the student education loan is paid in full, sold, or otherwise satisfied; and

(ii) Must provide a written statement to the borrower within fifteen business days of receipt of a written request from the borrower. The borrower's request must include the name and account number, if any, of the borrower, a statement that the account is or may be in error, and sufficient detail regarding the information sought by the borrower to permit the servicer to comply. At a minimum, the servicer's response to the borrower's request must include the following information:

(A) Whether the account is current or, if the account is not current, an explanation of the default and the date the account went into default;

(B) The current balance due on the student education loan, including the principal due, the amount of funds, if any, held in a suspense account, if any, and whether there are any shortages known to the servicer;

(C) The identity, address, and other relevant information about the current holder, owner, or assignee of the student education loan; and

(D) The telephone number and mailing address of a servicer representative with the information and authority to answer questions and resolve disputes;

(d) Promptly correct any errors and refund any fees assessed to the borrower resulting from the servicer's error; and

(e) In the event that a borrower applies for or attempts to certify progress toward a discharge or refund of amounts paid on their federal student education loans with the United States department of education, the servicer must provide explanations to the borrower on any decision made with respect to their application.

(2) In addition, a borrower may request more detailed information from a servicer, and the servicer must provide the information within fifteen business days of receipt of a written request from the borrower. The request must include the name and account number, if any, of the borrower, a statement that the account is or may be in error, and provide sufficient detail to the servicer regarding information sought by the borrower. If requested by the borrower this statement must include:

(a) A copy of the original note, or if unavailable, an affidavit of lost note; and

(b) A statement that identifies and itemizes all fees and charges assessed under the loan transaction and provides a full payment history identifying in a clear and conspicuous manner all of the debits, credits, application of and

disbursement of all payments received from or for the benefit of the borrower, and other activity on the student education loan including suspense account activity, if any. The period of the account history must cover at a minimum the two-year period prior to the date of the receipt of the request for information. If the servicer has not serviced the student education loan for the entire two-year time period the servicer must provide the information going back to the date on which the servicer began servicing the loan, and identify the previous servicer, if known. If the servicer claims that any delinquent or outstanding sums are owed on the loan prior to the two-year period or the period during which the servicer has serviced the student education loan, the servicer must provide an account history beginning with the month that the servicer claims any outstanding sums are owed on the student education loan up to the date of the request for the information. The borrower may request annually one statement free of charge.

(3) When acquiring servicing rights from another servicer, a receiving servicer must:

(a) Notify the student education loan borrowers no more than sixty days and no less than forty-five days before the effective date of the transfer of the students' loans to provide them with:

(i) The effective date of the transfer of servicing, and the date at which the receiving servicer will begin to accept payments relating to the loan, if different;

(ii) The name, address, and toll-free telephone number for both the transferring and receiving servicers' designated points of contact at which the borrower can obtain answers to inquiries;

(iii) A statement that the transfer of servicing does not affect any term or condition of the student education loan other than the entity servicing the loan;

(iv) Information about how to obtain a payment history from both the transferring or receiving servicer, including a count of payments that qualify toward any forgiveness options, as applicable;

(v) A notification indicating whether an alternative repayment plan or loan consolidation application is pending; and

(vi) Information about how to appropriately direct and submit a complaint to the United States department of education, the student loan advocate, federal student loan ombuds, and other relevant federal agencies that collect borrower complaints, in the event of a servicing error;

(b) Continue processing loan modification requests, including applications for income-driven repayment, loan forgiveness, or loan consolidation, received by the receiving servicer or the transferring servicer during the transfer process; and

(c) Retain records necessary to maintain the borrower's uninterrupted enrollment in their existing repayment plan.

(4) When transferring or selling the servicing of loans a transferring servicer must:

(a) Notify the student education loan borrowers no more than sixty days and no less than forty-five days before the effective date of the transfer of the students' loans to provide them with:

(i) The effective date of the transfer of servicing, and the date at which the transferring servicer will no longer accept payments relating to the loan, if different;

(ii) The name, address, and toll-free telephone number for the transferring and receiving servicers' designated points of contact at which the borrower can obtain answers to inquiries; and

(iii) A statement that the transfer of servicing does not affect any term or condition of the student education loan other than the entity servicing the loan; and

(b) Inform the receiving servicer if a loan modification request is pending.

(5) Licensees shall provide, free of charge on the licensee's web site, information or links to information regarding repayment and loan forgiveness options that may be available to borrowers, as well as the availability of the student loan advocate to provide assistance. This information or these links shall be prominently placed and provided via written correspondence or email with the borrower at least once per calendar year.

(6) In addition to keeping records in compliance with this chapter and section 1 of this act, licensees shall collect, maintain, and report to the department specific information about the loans in the licensee's portfolio. Such information shall include, but not be limited by: Loan volume, default, refinance and modification information, loan type (subsidized, deferred, etc.) information, and collection practices.

(7) The director may adopt all rules necessary to implement this section. The director may, at his or her discretion, waive applicability of the provisions of this section when the director determines it necessary to facilitate commerce and protect consumers.

(8) The director's obligations or duties under chapter . . ., Laws of 2018 (this act) are subject to section 21 of this act.

NEW SECTION. **Sec. 7.** A new section is added to chapter 31.04 RCW to read as follows:

A student education loan servicer licensee must maintain liquidity, operating reserves, and a tangible net worth in accordance with generally accepted accounting principles as determined by the director. The director may adopt rules to implement this section. The director's obligations or duties under this section are subject to section 21 of this act.

NEW SECTION. **Sec. 8.** A new section is added to chapter 31.04 RCW to read as follows:

(1) In addition to complying with federal and state law, including all requirements under chapter 18.28 RCW and this chapter, any person providing third-party student education loan modification services must:

(a) Not charge or receive any money or other valuable consideration prior to full and complete performance of the services the person has agreed to perform for the borrower;

(b) Not charge total fees in excess of usual and customary charges, or total fees that are not reasonable in light of the service provided; and

(c) Immediately inform the borrower in writing if the owner or servicer of the student education loan requires additional information or documentation from the borrower, or if it becomes apparent that a modification, refinancing, consolidation, or change in repayment plans on the student education loan is not possible.

(2) As a condition for providing third-party student education loan modification services, a person providing the services shall not:

(a) Require or encourage a borrower to sign a waiver of his or her legal defenses, counterclaims, and other legal rights against the person for future acts;

(b) Represent, expressly or by implication, that funds paid to the person providing third-party student education loan modification services will be applied to the borrower's student education loan balance;

(c) Require or encourage a borrower to waive his or her right to receive notice before the owner or servicer of the loan initiates collection proceedings;

(d) Require or encourage a borrower to agree to pay charges not enumerated in any agreement between the borrower and the lender, servicer, or owner of the loan;

(e) Require or encourage a borrower to:

(i) Cease communication with the lender, investor, loan servicer, or United States department of education; or

(ii) Change his or her contact information to that of the third-party education loan servicer or any other third party;

(f) Misrepresent, expressly or by implication, the availability, performance, cost, or characteristics of any alternative to for-profit third-party student education loan modification services through which the consumer can obtain assistance with refinancing of, consolidation of, application for discharge of or refund of amounts paid toward, or change of repayment plans for a student education loan, including communicating directly with the servicer, applying through or communicating with the United States department of education, communicating with any other government agency, or using any nonprofit agency or program;

(g) Misrepresent, expressly or by implication, the amount of money or the percentage of the debt amount a student education loan borrower may save by engaging the person's third-party student education loan modification services;

(h) Misrepresent, expressly or by implication, the total cost to purchase the third-party student education loan modification services;

(i) Misrepresent, expressly or by implication, the terms, conditions, limitations, contingencies, or requirements to reapply or recertify eligibility for any refinancing of, consolidation of, or change of repayment plans for a student education loan;

(j) Misrepresent, expressly or by implication, any affiliation, connection, or relationship with the United States department of education or its contracted entities;

(k) Misrepresent, expressly or by implication, the impact on a borrower's credit history, score, or report that will result from engaging the person's third-party student education loan modification services; or

(l) Change a borrower's login information, personal identification number, or contact information on file with a servicer or the United States department of education, including without limitation telephone number, address, and email address.

(3) In any inconsistency between this chapter and chapter 18.28 RCW, this chapter shall control.

Sec. 9. RCW 31.04.015 and 2015 c 229 s 19 are each reenacted and amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires a different meaning.

(1) "Add-on method" means the method of precomputing interest payable on a loan whereby the interest to be earned is added to the principal balance and the total plus any charges allowed under this chapter is stated as the loan amount, without further provision for the payment of interest except for failure to pay according to loan terms. The director may adopt by rule a more detailed explanation of the meaning and use of this method.

(2) "Affiliate" means any person who, directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with another person.

(3) "Applicant" means a person applying for a license under this chapter.

(4) "Borrower" means any person who consults with or retains a licensee or person subject to this chapter in an effort to obtain, or who seeks information about obtaining a loan, regardless of whether that person actually obtains such a loan. "Borrower" includes a person who consults with or retains a licensee or person subject to this chapter in an effort to obtain, or who seeks information about obtaining a residential mortgage loan modification, regardless of whether that person actually obtains a residential mortgage loan modification.

(5) "Department" means the state department of financial institutions.

(6) "Depository institution" has the same meaning as in section 3 of the federal deposit insurance act on July 26, 2009, and includes credit unions.

(7) "Director" means the director of financial institutions.

(8) "Educational institution" means any entity that is a degree-granting institution as defined in RCW 28B.85.010, a private vocational school as defined in RCW 28C.10.020, or school as defined in RCW 18.16.020.

(9) "Federal banking agencies" means the board of governors of the federal reserve system, comptroller of the currency, director of the office of thrift supervision, national credit union administration, and federal deposit insurance corporation.

((~~(9)~~)) (10) "Individual servicing a mortgage loan" means a person on behalf of a lender or servicer licensed by this state, who collects or receives payments including payments of principal, interest, escrow amounts, and other amounts due, on existing obligations due and owing to the licensed lender or servicer for a residential mortgage loan when the borrower is in default, or in reasonably foreseeable likelihood of default, working with the borrower and the licensed lender or servicer, collects data and makes decisions necessary to modify either temporarily or permanently certain terms of those obligations, or otherwise finalizing collection through the foreclosure process.

((~~(10)~~)) (11) "Insurance" means life insurance, disability insurance, property insurance, involuntary unemployment insurance, and such other insurance as may be authorized by the insurance commissioner.

((~~(11)~~)) (12) "License" means a single license issued under the authority of this chapter.

((~~(12)~~)) (13) "Licensee" means a person to whom one or more licenses have been issued. "Licensee" also means any person, whether located within or outside of this state, who fails to obtain a license required by this chapter.

((~~(13)~~)) (14) "Loan" means a sum of money lent at interest or for a fee or other charge and includes both open-end and closed-end loan transactions.

(((~~(14)~~))) (15) "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee at the direction of and subject to the supervision and instruction of a person licensed, or exempt from licensing, under this chapter.

(((~~(15)~~))) (16) "Making a loan" means advancing, offering to advance, or making a commitment to advance funds to a borrower for a loan.

(((~~(16)~~))) (17) "Mortgage broker" means the same as defined in RCW 19.146.010, except that for purposes of this chapter, a licensee or person subject to this chapter cannot receive compensation as both a consumer loan licensee making the loan and as a consumer loan licensee acting as the mortgage broker in the same loan transaction.

(((~~(17)~~))) (18)(a) "Mortgage loan originator" means an individual who for compensation or gain (i) takes a residential mortgage loan application, or (ii) offers or negotiates terms of a residential mortgage loan. "Mortgage loan originator" also includes individuals who hold themselves out to the public as able to perform any of these activities. "Mortgage loan originator" does not include any individual who performs purely administrative or clerical tasks; and does not include a person or entity solely involved in extensions of credit relating to timeshare plans, as that term is defined in section 101(53D) of Title 11, United States Code. For the purposes of this definition, administrative or clerical tasks means the receipt, collection, and distribution of information common for the processing of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing of a residential mortgage loan.

(b) "Mortgage loan originator" also includes an individual who for direct or indirect compensation or gain performs residential mortgage loan modification services or holds himself or herself out as being able to perform residential mortgage loan modification services.

(c) "Mortgage loan originator" does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable state law, unless the person or entity is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such a lender, mortgage broker, or other mortgage loan originator. For the purposes of chapter 120, Laws of 2009, the term "real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including:

(i) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

(ii) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(iii) Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property, other than in connection with providing financing with respect to such a transaction;

(iv) Engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(v) Offering to engage in any activity, or act in any capacity, described in (c)(i) through (iv) of this subsection.

(d) This subsection does not apply to employees of a housing counseling agency approved by the United States department of housing and urban development unless the employees of a housing counseling agency are required under federal law to be individually licensed as mortgage loan originators.

(((~~(18)~~))) (19) "Nationwide mortgage licensing system" means a licensing system developed and maintained by the conference of state bank supervisors for licensing and registration.

(((~~(19)~~))) (20) "Officer" means an official appointed by the company for the purpose of making business decisions or corporate decisions.

(((~~(20)~~))) (21) "Person" includes individuals, partnerships, associations, limited liability companies, limited liability partnerships, trusts, corporations, and all other legal entities.

(((~~(21)~~))) (22) "Principal" means any person who controls, directly or indirectly through one or more intermediaries, alone or in concert with others, a ten percent or greater interest in a partnership; company; association or corporation; or a limited liability company, and the owner of a sole proprietorship.

(((~~(22)~~))) (23) "Registered mortgage loan originator" means any individual who meets the definition of mortgage loan originator and is an employee of a depository institution; a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or an institution regulated by the farm credit administration and is registered with, and maintains a unique identifier through, the nationwide mortgage licensing system.

(((~~(23)~~))) (24) "Residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other consensual security interest on a dwelling, as defined in the truth in lending act, or residential real estate upon which is constructed or intended to be constructed a dwelling.

(((~~(24)~~))) (25) "Residential mortgage loan modification" means a change in one or more of a residential mortgage loan's terms or conditions. Changes to a residential mortgage loan's terms or conditions include but are not limited to forbearances; repayment plans; changes in interest rates, loan terms, or loan types; capitalizations of arrearages; or principal reductions.

(((~~(25)~~))) (26) "Residential mortgage loan modification services" includes negotiating, attempting to negotiate, arranging, attempting to arrange, or otherwise offering to perform a residential mortgage loan modification for compensation or gain. "Residential mortgage loan modification services" also includes the collection of data for submission to an entity performing mortgage loan modification services.

(((~~(26)~~))) (27) "S.A.F.E. act" means the secure and fair enforcement for mortgage licensing act of 2008, Title V of the housing and economic recovery act of 2008 ("HERA"), P.L. 110-289, effective July 30, 2008.

(((~~(27)~~))) (28) "Senior officer" means an officer of a licensee at the vice president level or above.

(((~~(28)~~))) (29) "Service or servicing a loan" means on behalf of the lender or investor of a residential mortgage loan: (a) Collecting or receiving payments on existing obligations due and owing to the lender or investor, including payments of principal, interest, escrow amounts, and other amounts due; (b) collecting fees due to the servicer; (c) working with the borrower and the licensed lender or

servicer to collect data and make decisions necessary to modify certain terms of those obligations either temporarily or permanently; (d) otherwise finalizing collection through the foreclosure process; or (e) servicing a reverse mortgage loan.

(((~~(29)~~))) (30) "Service or servicing a reverse mortgage loan" means, pursuant to an agreement with the owner of a reverse mortgage loan: Calculating, collecting, or receiving payments of interest or other amounts due; administering advances to the borrower; and providing account statements to the borrower or lender.

(((~~(30)~~))) (31) "Simple interest method" means the method of computing interest payable on a loan by applying the annual percentage interest rate or its periodic equivalent to the unpaid balances of the principal of the loan outstanding for the time outstanding.

(a) On a nonresidential loan each payment is applied first to any unpaid penalties, fees, or charges, then to accumulated interest, and the remainder of the payment applied to the unpaid balance of the principal until paid in full. In using such method, interest must not be payable in advance nor compounded. The prohibition on compounding interest does not apply to reverse mortgage loans made in accordance with the Washington state reverse mortgage act. The director may adopt by rule a more detailed explanation of the meaning and use of this method.

(b) On a residential mortgage loan payments are applied as determined in the security instrument.

(((~~(31)~~))) (32) "Student education loan" means any loan solely for personal use to finance postsecondary education and costs of attendance at an educational institution. A student education loan includes a loan made to refinance a student education loan. A student education loan does not include a payment plan or accounts receivable at a higher education institution as defined in RCW 28B.07.020(4) only during the time of a student's enrollment in the higher education institution, not to include a refinanced payment plan or accounts receivable, an extension of credit under an open-end consumer credit plan, a reverse mortgage transaction, a residential mortgage transaction, or any other loan that is secured by real property or a dwelling.

(33) "Student education loan borrower" means: (a) Any resident of this state who has received or agreed to pay a student education loan; or (b) any person who shares responsibility with such resident for repaying the student education loan.

(34) "Student education loan servicer" means any person, wherever located, responsible for the servicing of any student education loan to any student education loan borrower.

(35) "Student education loan servicing" or "service a student education loan" means: (a) Receiving any scheduled periodic payments from a student education loan borrower pursuant to the terms of a student education loan; (b) applying the payments of principal and interest and such other payments with respect to the amounts received from a student education loan borrower, as may be required pursuant to the terms of a student education loan; (c) working with the student education loan borrower to collect data, or collecting data, to make decisions to modify the loan; or (d) performing other administrative services with respect to a student education loan including collection activities. "Student

education loan servicing" does not include third-party student education loan modification services.

(36) "Third-party residential mortgage loan modification services" means residential mortgage loan modification services offered or performed by any person other than the owner or servicer of the loan.

(((~~(32)~~))) (37) "Third-party service provider" means any person other than the licensee or a mortgage broker who provides goods or services to the licensee or borrower in connection with the preparation of the borrower's loan and includes, but is not limited to, credit reporting agencies, real estate brokers or salespersons, title insurance companies and agents, appraisers, structural and pest inspectors, or escrow companies.

(((~~(33)~~))) (38) "Third-party student education loan modification services" means for compensation or other consideration by or on behalf of the borrower working with the student education loan borrower or his or her representative to collect data or prepare or submit documents, or collecting data and preparing or submitting documents, to modify, refinance, or consolidate the loan, or change repayment plans.

(39) "Unique identifier" means a number or other identifier assigned by protocols established by the nationwide mortgage licensing system.

NEW SECTION. **Sec. 10.** A new section is added to chapter 31.04 RCW to read as follows:

(1) The following are subject to the student education loan servicer requirements in this chapter, but are exempt from having to obtain and maintain a license in accordance with this chapter:

(a) Trade, technical, vocational, or apprentice programs that teach skills related to a specific job, and postsecondary schools that service their own student education loans;

(b) Persons servicing five or fewer student education loans;

(c) Guarantors of federal student loans that do not also service federal student loans;

(d) The United States or any department or agency thereof, to the extent it is servicing student education loans that it originated; and

(e) Any state, county, city, or any department or agency thereof, but only to the extent it is servicing student education loans that it originated.

(2) Persons providing third-party student education loan modification services are exempt from having to obtain and maintain a license in accordance with this chapter.

(3) The department may refer to the attorney general's consumer protection division complaints regarding entities subject to this section.

Sec. 11. RCW 31.04.027 and 2015 c 229 s 21 are each amended to read as follows:

(1) It is a violation of this chapter for a licensee, its officers, directors, employees, or independent contractors, or any other person subject to this chapter to:

(((~~(1)~~))) (a) Directly or indirectly employ any scheme, device, or artifice to defraud or mislead any borrower, to defraud or mislead any lender, or to defraud or mislead any person;

((~~(2)~~)) (b) Directly or indirectly engage in any unfair or deceptive practice toward any person;

((~~(3)~~)) (c) Directly or indirectly obtain property by fraud or misrepresentation;

((~~(4)~~)) (d) Solicit or enter into a contract with a borrower that provides in substance that the consumer loan company may earn a fee or commission through the consumer loan company's best efforts to obtain a loan even though no loan is actually obtained for the borrower;

((~~(5)~~)) (e) Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting;

((~~(6)~~)) (f) Fail to make disclosures to loan applicants as required by RCW 31.04.102 and any other applicable state or federal law;

((~~(7)~~)) (g) Make, in any manner, any false or deceptive statement or representation with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan or engage in bait and switch advertising;

((~~(8)~~)) (h) Negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any reports filed with the department by a licensee or in connection with any investigation conducted by the department;

((~~(9)~~)) (i) Make any payment, directly or indirectly, to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property;

((~~(10)~~)) (j) Accept from any borrower at or near the time a loan is made and in advance of any default an execution of, or induce any borrower to execute, any instrument of conveyance, not including a mortgage or deed of trust, to the lender of any ownership interest in the borrower's primary dwelling that is the security for the borrower's loan;

((~~(11)~~)) (k) Obtain at the time of closing a release of future damages for usury or other damages or penalties provided by law or a waiver of the provisions of this chapter;

((~~(12)~~)) (l) Advertise any rate of interest without conspicuously disclosing the annual percentage rate implied by that rate of interest;

((~~(13)~~)) (m) Violate any applicable state or federal law relating to the activities governed by this chapter; or

((~~(14)~~)) (n) Make or originate loans from any unlicensed location.

(2) It is a violation of this chapter for a student education loan servicer to:

(a) Conduct licensable activity from any unlicensed location;

(b) Misrepresent or omit any material information in connection with the servicing of a student education loan including, but not limited to, misrepresenting the amount, nature, conditions, or terms of any fee or payment due or claimed to be due on a student education loan, the terms and conditions of the loan agreement, the availability of loan discharge or forgiveness options, the availability and terms of and process for enrolling in income-driven repayment, or the borrower's obligations under the loan;

(c) Provide inaccurate information to a credit bureau, thereby harming a student education loan borrower's creditworthiness, including failing to report

both the favorable and unfavorable payment history of the student education loan;

(d) Fail to report to a consumer credit bureau at least annually if the student education loan servicer regularly reports information to a credit bureau;

(e) Refuse to communicate with an authorized representative of the student education loan borrower who provides a written authorization signed by the student education loan borrower. However, the student education loan servicer may adopt procedures reasonably related to verifying that the representative is in fact authorized to act on behalf of the student education loan borrower;

(f) Refuse to communicate with the student education loan borrower or an authorized representative of the student education loan borrower;

(g) Apply payments made by a borrower to the outstanding balance of a student education loan, or allocate a payment across a group of student education loans, in a manner that does not conform with the borrower's stated intent. However, this subsection (2)(g) does not require application of a student education loan in a manner contrary to the express terms of the promissory note;

(h) Fail to respond within fifteen calendar days to communications from the student loan advocate, or within such shorter, reasonable time as the student loan advocate may request in his or her communication; or

(i) Fail to provide a response within fifteen calendar days to a consumer complaint submitted to the servicer by the student loan advocate. If necessary, a licensee may request additional time up to a maximum of forty-five calendar days, provided that such request is accompanied by an explanation why such additional time is reasonable and necessary.

(3) The director's obligations or duties under chapter . . ., Laws of 2018 (this act) are subject to section 21 of this act.

Sec. 12. RCW 31.04.035 and 2013 c 29 s 4 are each amended to read as follows:

(1) No person may make secured or unsecured loans of money or things in action, or extend credit, or service or modify the terms or conditions of residential mortgage loans, or service or modify student education loans, without first obtaining and maintaining a license in accordance with this chapter, except those exempt under RCW 31.04.025 or not subject to licensure under section 10 of this act.

(2) If a transaction violates subsection (1) of this section, any:

(a) Nonthird-party fees charged in connection with the origination of the residential mortgage loan must be refunded to the borrower, excluding interest charges; and

(b) Fees or interest charged in the making of a nonresidential loan must be refunded to the borrower.

(3) The director's obligations or duties under chapter . . ., Laws of 2018 (this act) are subject to section 21 of this act.

Sec. 13. RCW 31.04.093 and 2015 c 229 s 24 are each amended to read as follows:

(1) The director must enforce all laws and rules relating to the licensing and regulation of licensees and persons subject to this chapter. However, the director's obligation under this subsection does not arise until the rules required

under section 6 of this act are adopted or until January 1, 2019, whichever is sooner.

(2) The director may deny applications for licenses for:

(a) Failure of the applicant to demonstrate within its application for a license that it meets the requirements for licensing in RCW 31.04.045 and 31.04.055;

(b) Violation of an order issued by the director under this chapter or another chapter administered by the director, including but not limited to cease and desist orders and temporary cease and desist orders;

(c) Revocation or suspension of a license to conduct lending ((~~or~~)), residential mortgage loan servicing, student education loan servicing, or to provide settlement services associated with lending ((~~or~~)), residential mortgage loan servicing, or student education loan servicing, by this state, another state, or by the federal government within five years of the date of submittal of a complete application for a license; or

(d) Filing an incomplete application when that incomplete application has been filed with the department for sixty or more days, provided that the director has given notice to the licensee that the application is incomplete, informed the applicant why the application is incomplete, and allowed at least twenty days for the applicant to complete the application.

(3) The director may condition, suspend, or revoke a license issued under this chapter if the director finds that:

(a) The licensee has failed to pay any fee due the state of Washington, has failed to maintain in effect the bond or permitted substitute required under this chapter, or has failed to comply with any specific order or demand of the director lawfully made and directed to the licensee in accordance with this chapter;

(b) The licensee, either knowingly or without the exercise of due care, has violated any provision of this chapter or any rule adopted under this chapter;

(c) A fact or condition exists that, if it had existed at the time of the original application for the license, clearly would have allowed the director to deny the application for the original license; or

(d) The licensee failed to comply with any directive, order, or subpoena issued by the director under this chapter.

The director may condition, revoke, or suspend only the particular license with respect to which grounds for conditioning, revocation, or suspension may occur or exist or the director may condition, revoke, or suspend all of the licenses issued to the licensee.

(4) The director may impose fines of up to one hundred dollars per day, per violation, upon the licensee, its employee or loan originator, or other person subject to this chapter for:

(a) Any violation of this chapter; or

(b) Failure to comply with any directive, order, or subpoena issued by the director under this chapter.

(5) The director may issue an order directing the licensee, its employee or loan originator, or other person subject to this chapter to:

(a) Cease and desist from conducting business in a manner that is injurious to the public or violates any provision of this chapter;

(b) Take such affirmative action as is necessary to comply with this chapter;

(c) Make a refund or restitution to a borrower or other person who is damaged as a result of a violation of this chapter;

(d) Refund all fees received through any violation of this chapter.

(6) The director may issue an order removing from office or prohibiting from participation in the affairs of any licensee, or both, any officer, principal, employee or mortgage loan originator, or any person subject to this chapter for:

(a) False statements or omission of material information from an application for a license that, if known, would have allowed the director to deny the original application for a license;

(b) Conviction of a gross misdemeanor involving dishonesty or financial misconduct or a felony;

(c) Suspension or revocation of a license to engage in lending ((~~or~~)), residential mortgage loan servicing, student education loan servicing, or perform a settlement service related to lending or residential mortgage loan servicing, in this state or another state;

(d) Failure to comply with any order or subpoena issued under this chapter;

(e) A violation of RCW 31.04.027, 31.04.102, 31.04.155, or 31.04.221; or

(f) Failure to obtain a license for activity that requires a license.

(7) Except to the extent prohibited by another statute, the director may engage in informal settlement of complaints or enforcement actions including, but not limited to, payment to the department for purposes of financial literacy and education programs authorized under RCW 43.320.150. If any person subject to this chapter makes a payment to the department under this section, the person may not advertise such payment.

(8) Whenever the director determines that the public is likely to be substantially injured by delay in issuing a cease and desist order, the director may immediately issue a temporary cease and desist order. The order may direct the licensee to discontinue any violation of this chapter, to take such affirmative action as is necessary to comply with this chapter, and may include a summary suspension of the licensee's license and may order the licensee to immediately cease the conduct of business under this chapter. The order becomes effective at the time specified in the order. Every temporary cease and desist order must include a provision that a hearing will be held upon request to determine whether the order will become permanent. Such hearing must be held within fourteen days of receipt of a request for a hearing unless otherwise specified in chapter 34.05 RCW.

(9) A licensee may surrender a license by delivering to the director written notice of surrender, but the surrender does not affect the licensee's civil or criminal liability, if any, for acts committed before the surrender, including any administrative action initiated by the director to suspend or revoke a license, impose fines, compel the payment of restitution to borrowers or other persons, or exercise any other authority under this chapter. The statute of limitations on actions not subject to RCW 4.16.160 that are brought under this chapter by the director is five years.

(10) The revocation, suspension, or surrender of a license does not impair or affect the obligation of a preexisting lawful contract between the licensee and a borrower.

(11) Every license issued under this chapter remains in force and effect until it has been surrendered, revoked, or suspended in accordance with this chapter. However, the director may on his or her own initiative reinstate suspended licenses or issue new licenses to a licensee whose license or licenses have been

revoked if the director finds that the licensee meets all the requirements of this chapter.

(12) A license issued under this chapter expires upon the licensee's failure to comply with the annual assessment requirements in RCW 31.04.085, and the rules. The department must provide notice of the expiration to the address of record provided by the licensee. On the 15th day after the department provides notice, if the assessment remains unpaid, the license expires. The licensee must receive notice prior to expiration and have the opportunity to stop the expiration as set forth in rule.

(13) The director's obligations or duties under chapter . . ., Laws of 2018 (this act) are subject to section 21 of this act.

Sec. 14. RCW 31.04.102 and 2015 c 229 s 27 are each amended to read as follows:

(1) For all loans made by a licensee that are not secured by a lien on real property, the licensee must make disclosures in compliance with the truth in lending act, 15 U.S.C. Sec. 1601 and regulation Z, 12 C.F.R. Part 1026, and all other applicable federal laws and regulations.

(2) For all loans made by a licensee that are secured by a lien on real property, the licensee must provide to each borrower within three business days following receipt of a loan application a written disclosure containing an itemized estimation and explanation of all fees and costs that the borrower is required to pay in connection with obtaining a loan from the licensee. A good faith estimate of a fee or cost must be provided if the exact amount of the fee or cost is not available when the disclosure is provided. Disclosure in a form which complies with the requirements of the truth in lending act, 15 U.S.C. Sec. 1601 and regulation Z, 12 C.F.R. Part 1026, the real estate settlement procedures act and regulation X, 24 C.F.R. Part 1024, and all other applicable federal laws and regulations, as now or hereafter amended, constitutes compliance with this disclosure requirement. Each licensee must comply with all other applicable federal and state laws and regulations.

(3) In addition, for all loans made by the licensee that are secured by a lien on real property, the licensee must provide to the borrower an estimate of the annual percentage rate on the loan and a disclosure of whether or not the loan contains a prepayment penalty within three days of receipt of a loan application. The annual percentage rate must be calculated in compliance with the truth in lending act, 15 U.S.C. Sec. 1601 and regulation Z, 12 C.F.R. Part 1024. If a licensee provides the borrower with a disclosure in compliance with the requirements of the truth in lending act within three business days of receipt of a loan application, then the licensee has complied with this subsection. If the director determines that the federal government has required a disclosure that substantially meets the objectives of this subsection, then the director may make a determination by rule that compliance with this federal disclosure requirement constitutes compliance with this subsection.

(4) In addition for all consumer loans made by the licensee that are secured by a lien on real property, the licensee must comply with RCW 19.144.020.

(5) In addition for all consumer loans made by a licensee that are a refinance of a federal student education loan, the licensee must provide to the borrower a clear and conspicuous disclosure that some repayment and forgiveness options available under federal student education loan programs, including without

limitation income-driven repayment plans, economic hardship deferments, or public service loan forgiveness, will no longer be available to the borrower if he or she chooses to refinance federal student education loans with one or more consumer loans.

(6) The director's obligations or duties under chapter . . ., Laws of 2018 (this act) are subject to section 21 of this act.

Sec. 15. RCW 31.04.145 and 2015 c 229 s 29 are each amended to read as follows:

(1) For the purpose of discovering violations of this chapter or securing information lawfully required under this chapter, the director may at any time, either personally or by designees, investigate or examine the loans and business and, wherever located, the books, accounts, records, papers, documents, files, and other information used in the business of every licensee and of every person ((~~who is engaged in the business making or assisting in the making of loans at interest rates authorized by~~)) subject to this chapter, whether the person acts or claims to act as principal or agent, or under or without the authority of this chapter. The director or designated representative:

(a) Must have free access to the employees, offices, and places of business, books, accounts, papers, documents, other information, records, files, safes, and vaults of all such persons during normal business hours;

(b) May require the attendance of and examine under oath all persons whose testimony may be required about the loans or the business or the subject matter of any investigation, examination, or hearing and may require such person to produce books, accounts, papers, records, files, and any other information the director or designated persons deem relevant to the inquiry;

(c) May require by directive, subpoena, or any other lawful means the production of original books, accounts, papers, records, files, and other information; may require that such original books, accounts, papers, records, files, and other information be copied; or may make copies of such original books, accounts, papers, records, files, or other information;

(d) May issue a subpoena or subpoena duces tecum requiring attendance by any person identified in this section or compelling production of any books, accounts, papers, records, files, or other documents or information identified in this section.

(2) The director must make such periodic examinations of the affairs, business, office, and records of each licensee as determined by rule.

(3) Every licensee examined or investigated by the director or the director's designee must pay to the director the cost of the examination or investigation of each licensed place of business as determined by rule by the director.

(4) In order to carry out the purposes of this section, the director may:

(a) Retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations;

(b) Enter into agreements or relationships with other government officials or regulatory associations in order to improve efficiencies and reduce regulatory burden by sharing resources, standardized or uniform methods or procedures, and documents, records, information, or evidence obtained under this section;

(c) Use, hire, contract, or employ public or privately available analytical systems, methods, or software to examine or investigate the licensee, individual, or person subject to chapter 120, Laws of 2009;

(d) Accept and rely on examination or investigation reports made by other government officials, within or without this state;

(e) Accept audit reports made by an independent certified public accountant for the licensee, individual, or person subject to chapter 120, Laws of 2009 in the course of that part of the examination covering the same general subject matter as the audit and may incorporate the audit report in the report of the examination, report of investigation, or other writing of the director; or

(f) Assess the licensee, individual, or person subject to chapter 120, Laws of 2009 the cost of the services in (a) of this subsection.

(5) The director's obligations or duties under chapter . . ., Laws of 2018 (this act) are subject to section 21 of this act.

Sec. 16. RCW 31.04.165 and 2010 c 35 s 7 are each amended to read as follows:

(1) The director has the power, and broad administrative discretion, to administer and interpret this chapter to facilitate the delivery of financial services to the citizens of this state by ((~~consumer loan companies, residential mortgage loan servicers, and mortgage loan originators~~)) persons subject to this chapter. The director shall adopt all rules necessary to administer this chapter and to ensure complete and full disclosure by licensees of lending transactions governed by this chapter.

(2) If it appears to the director that a licensee is conducting business in an injurious manner or is violating any provision of this chapter, the director may order or direct the discontinuance of any such injurious or illegal practice.

(3) For purposes of this section, "conducting business in an injurious manner" means conducting business in a manner that violates any provision of this chapter, or that creates the reasonable likelihood of a violation of any provision of this chapter.

(4) The director or designated persons, with or without prior administrative action, may bring an action in superior court to enjoin the acts or practices that constitute violations of this chapter and to enforce compliance with this chapter or any rule or order made under this chapter. Upon proper showing, injunctive relief or a temporary restraining order shall be granted. The director shall not be required to post a bond in any court proceedings.

(5) The director's obligations or duties under chapter . . ., Laws of 2018 (this act) are subject to section 21 of this act.

Sec. 17. RCW 31.04.277 and 2015 c 229 s 34 are each amended to read as follows:

Each consumer loan company licensee ((~~who makes, services, or brokers a loan secured by real property~~)) must submit call reports through the nationwide mortgage licensing system ((~~and registry~~)) in a form and containing the information prescribed by the director or as deemed necessary by the nationwide mortgage licensing system ((~~and registry~~)).

The director's obligations or duties under chapter . . ., Laws of 2018 (this act) are subject to section 21 of this act.

Sec. 18. RCW 31.04.310 and 2015 c 229 s 26 are each amended to read as follows:

Upon application by the director and upon a showing that the interests of borrowers or creditors so requires, the superior court may appoint a receiver to take over, operate, or liquidate any residential mortgage or student education loan servicer.

The director's obligations or duties under chapter . . ., Laws of 2018 (this act) are subject to section 21 of this act.

NEW SECTION. **Sec. 19.** (1) The Washington state institute for public policy shall conduct a study on student loan authorities that refinance existing federal and private undergraduate and graduate student loans from the proceeds of tax-exempt bonds. In conducting the study, the institute shall:

(a) Review guidance on the subject issued by the United States treasury;

(b) Review the structure and characteristics of state-operated loan refinance programs in other states, including borrower requirements;

(c) Review available literature on the impacts of borrower requirements of similar programs;

(d) Estimate potential savings and costs to undergraduate and graduate borrowers from differences in interest rates of loans refinanced by the state as compared to similarly situated borrowers of federal direct loans and private loans, issued one, five, and ten years ago; and

(e) Consider the value of repayment and forgiveness options that may be lost to a borrower of a federal student education loan who chooses to refinance, including income-driven repayment options, economic hardship deferments, or public service loan forgiveness.

(2) The Washington state institute for public policy shall submit a report on its findings to the higher education committees of the legislature by December 31, 2018.

NEW SECTION. **Sec. 20.** A new section is added to chapter 31.04 RCW to read as follows:

The requirements of this act do not apply to any person doing business under, and as permitted by, any law of this state or of the United States relating to banks, savings banks, trust companies, savings and loan or building and loan associations, or credit unions.

NEW SECTION. **Sec. 21.** The department of financial institutions and the director or director's designees do not have any enforcement, examination, or reporting obligations or duties under this act until January 1, 2019, or until the final adoption of rules pursuant to this act, whichever is sooner.

NEW SECTION. **Sec. 22.** 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. 23.** This act may be known and cited as the Washington student education loan bill of rights.

Passed by the Senate February 14, 2018.
Passed by the House March 2, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 63

[Senate Bill 6053]

MEDICAID FRAUD FALSE CLAIMS ACT--CIVIL PENALTIES

AN ACT Relating to medicaid fraud false claims civil penalties; amending RCW 74.66.020; creating a new section; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** It is the intent of the legislature through this act to strongly deter medicaid provider fraud and ensure maximum recoveries for the state in actions under chapter 74.66 RCW, the state medicaid fraud false claims act. Specifically, it is the policy of the state to maintain compliance with the federal deficit reduction act, codified as section 1909 of the federal social security act (42 U.S.C. Sec. 1396h), and thereby obtain the additional ten percent share of state medicaid fraud false claims act recoveries afforded by the federal deficit reduction act for compliant states, while encouraging qui tam whistleblower complaints to at least the same extent as the federal false claims act (31 U.S.C. Sec. 3729 et seq.).

Sec. 2. RCW 74.66.020 and 2012 c 241 s 202 are each amended to read as follows:

(1) Subject to subsections (2) and (4) of this section, a person is liable to the government entity for a civil penalty of not less than ((~~five thousand five hundred dollars and not more than eleven thousand dollars~~)) the greater of ten thousand nine hundred fifty-seven dollars or the minimum inflation adjusted penalty amount imposed as provided by 31 U.S.C. Sec. 3729(a) and not more than the greater of twenty-one thousand nine hundred sixteen dollars or the maximum inflation adjusted penalty amount imposed as provided by 31 U.S.C. Sec. 3729(a), plus three times the amount of damages which the government entity sustains because of the act of that person, if the person:

(a) Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

(b) Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;

(c) Conspires to commit one or more of the violations in this subsection (1);

(d) Has possession, custody, or control of property or money used, or to be used, by the government entity and knowingly delivers, or causes to be delivered, less than all of that money or property;

(e) Is authorized to make or deliver a document certifying receipt of property used, or to be used, by the government entity and, intending to defraud the government entity, makes or delivers the receipt without completely knowing that the information on the receipt is true;

(f) Knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the government entity who lawfully may not sell or pledge property; or

(g) Knowingly makes, uses, or causes to be made or used((~~,~~)) a false record or statement material to an obligation to pay or transmit money or property to the government entity, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the government entity.

(2) The court may assess not less than two times the amount of damages which the government entity sustains because of the act of a person, if the court finds that:

(a) The person committing the violation of subsection (1) of this section furnished the Washington state attorney general with all information known to him or her about the violation within thirty days after the date on which he or she first obtained the information;

(b) The person fully cooperated with any investigation by the attorney general of the violation; and

(c) At the time the person furnished the attorney general with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title with respect to the violation, and the person did not have actual knowledge of the existence of an investigation into the violation.

(3) A person violating this section is liable to the attorney general for the costs of a civil action brought to recover any such penalty or damages.

(4) For the purposes of determining whether an insurer has a duty to provide a defense or indemnification for an insured and if coverage may be denied if the terms of the policy exclude coverage for intentional acts, a violation of subsection (1) of this section is an intentional act.

((~~(5) The office of the attorney general must, by rule, annually adjust the civil penalties established in subsection (1) of this section so that they are equivalent to the civil penalties provided under the federal false claims act and in accordance with the federal civil penalties inflation adjustment act of 1990.~~))

Passed by the Senate February 8, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 64

[Substitute House Bill 1539]

STUDENT SEXUAL ABUSE PREVENTION CURRICULUM

AN ACT Relating to a curriculum for the prevention of sexual abuse of students; amending RCW 28A.300.150 and 28A.300.160; adding a new section to chapter 28A.230 RCW; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) The legislature recognizes that every child should experience emotional and physical development that is free from abuse and neglect. In 2015, Washington child protective services received reports screened in for investigation that alleged the sexual abuse or sexual exploitation, or both, of two thousand six hundred three children. Further, the legislature finds that most sexual assaults are unreported. The legislature also finds that a clear relationship exists between youth victimization and mental health problems and delinquent behavior.

(2) The legislature finds that thirty-one states have enacted Erin's laws. Erin's laws, named in honor of a childhood sexual assault survivor, are intended to help children, teachers, and parents identify sexual abuse, and to provide

assistance, referral, or resource information for children and families who are victims of child sexual abuse. The legislation adopted in these states requires the study or development of age-appropriate child sexual abuse identification and prevention.

(3) The legislature finds that the federal every student succeeds act, P.L. 114-95, as signed into law by President Barack Obama on December 10, 2015, provides federal funding that can be used for the implementation of programs established in accordance with Erin's laws.

(4) The legislature, therefore, intends to incorporate curriculum for the prevention of sexual abuse of students in kindergarten through twelfth grade, such as Erin's law, into an existing statewide coordinated program for the prevention of child abuse and neglect.

Sec. 2. RCW 28A.300.150 and 2006 c 263 s 705 are each amended to read as follows:

(1) The superintendent of public instruction shall collect and disseminate to school districts information on and curricula for the coordinated program for the prevention of sexual abuse of students in kindergarten through twelfth grade, child abuse, and neglect ((~~prevention curriculum and~~)) established in RCW 28A.300.160. The superintendent shall also adopt rules ((~~dealing with~~)) addressing the prevention of sexual abuse of students in kindergarten through twelfth grade and child abuse for purposes of ((~~curriculum use~~)) curricula used in ((~~the common~~)) public schools.

(2) Effective July 1, 2018, the superintendent of public instruction and the ((~~departments of social and health services and community, trade, and economic development~~)) department of children, youth, and families shall share relevant information in furtherance of this section.

(3) Subject to the availability of amounts appropriated for this specific purpose, on or before June 30, 2019, the superintendent of public instruction must review any existing curricula related to the prevention of sexual abuse of students in kindergarten through twelfth grade. The review required by this subsection must evaluate the curricula for alignment with the provisions of RCW 28A.300.160(2).

Sec. 3. RCW 28A.300.160 and 1995 c 399 s 21 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall be the lead agency and shall assist the department of ((~~social and health services, the department of community, trade, and economic development,~~)) children, youth, and families and school districts in establishing a coordinated ((~~primary prevention~~)) program for the prevention of sexual abuse of students in kindergarten through twelfth grade, child abuse, and neglect.

(b) The office of the superintendent of public instruction must, for any curriculum included within a program for the prevention of sexual abuse of students in kindergarten through twelfth grade, seek advice and comments regarding the curriculum from:

(i) The Washington association of sheriffs and police chiefs;

(ii) The Washington association of prosecuting attorneys;

(iii) The Washington state school directors' association;

(iv) The association of Washington school principals;

(v) The center for children and youth justice;

(vi) Youthcare;

(vii) The committee for children;

(viii) The office of crime victim advocacy in the department of commerce; and

(ix) Other relevant organizations.

(2) In developing the program, consideration shall be given to the following:

(a) Parent, teacher, and children's workshops whose information and training is:

(i) Provided in a clear, age-appropriate, nonthreatening manner, delineating the problem and the range of possible solutions;

(ii) Culturally and linguistically appropriate to the population served;

(iii) Appropriate to the geographic area served; and

(iv) Designed to help counteract common stereotypes about the sexual abuse of students in kindergarten through twelfth grade, child abuse victims, and offenders;

(b) Training for school-age children's parents and school staff, which includes:

(i) Physical and behavioral indicators of abuse;

(ii) Crisis counseling techniques;

(iii) Community resources;

(iv) Rights and responsibilities regarding reporting;

(v) School district procedures to facilitate reporting and apprise supervisors and administrators of reports; and

(vi) Caring for a child's needs after a report is made;

(c) Training for licensed day care providers and parents that includes:

(i) Positive child guidance techniques;

(ii) Physical and behavioral indicators of abuse;

(iii) Recognizing and providing safe, quality day care;

(iv) Community resources;

(v) Rights and responsibilities regarding reporting; and

(vi) Caring for the abused or neglected child;

(d) Training for children that includes:

(i) The right of every child to live free of abuse;

(ii) How to disclose incidents of abuse and neglect;

(iii) The availability of support resources and how to obtain help;

(iv) Child safety training and age-appropriate self-defense techniques; and

(v) A period for crisis counseling and reporting immediately following the completion of each children's workshop in a school setting which maximizes the child's privacy and sense of safety.

(3) The ((~~primary~~)) coordinated prevention program established under this section ((~~shall be~~)) is a voluntary program and ((~~shall not be~~)) is not part of the state's program of basic ((~~program of~~)) education.

(4) Parents shall be given notice of the ((~~primary~~)) coordinated prevention program and may refuse to have their children participate in the program.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.230 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall make the curriculum included under section 3(1)(b), chapter . . ., Laws of 2018 (section 3(1)(b) of this act) available on its web site.

NEW SECTION. **Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void.

Passed by the House March 5, 2018.
Passed by the Senate March 1, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 65

[Substitute House Bill 2514]

REAL PROPERTY INSTRUMENTS--DISCRIMINATORY PROVISIONS

AN ACT Relating to discriminatory provisions found in written instruments related to real property; amending RCW 49.60.227 and 64.38.028; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 49.60.227 and 2006 c 58 s 3 are each amended to read as follows:

(1)(a) If a written instrument contains a provision that is void by reason of RCW 49.60.224, the owner, occupant, or tenant of the property which is subject to the provision or the homeowners' association board may cause the provision to be stricken from the public records by bringing an action in the superior court in the county in which the property is located. The action shall be an in rem, declaratory judgment action whose title shall be the description of the property. The necessary party to the action shall be the owner, occupant, or tenant of the property or any portion thereof. The person bringing the action shall pay a fee set under RCW 36.18.012.

(b) If the court finds that any provisions of the written instrument are void under RCW 49.60.224, it shall enter an order striking the void provisions from the public records and eliminating the void provisions from the title or lease of the property described in the complaint.

(2)(a) As an alternative to the judicial procedure set forth in subsection (1) of this section, the owner of property subject to a written instrument that contains a provision that is void by reason of RCW 49.60.224 may record a restrictive covenant modification document with the county auditor, or in charter counties the county official charged with the responsibility for recording instruments in the county records, in the county in which the property is located.

(b) The modification document shall contain a recording reference to the original written instrument.

(c) The modification document must state, in part:

"The referenced original written instrument contains discriminatory provisions that are void and unenforceable under RCW 49.60.224 and federal law. This document strikes from the referenced original instrument all provisions that are void and unenforceable under law."

(d) The effective date of the modification document shall be the same as the effective date of the original written instrument.

(e) If the owner causes to be recorded a modification document that contains modifications not authorized by this section, the county auditor or recording officer shall not incur liability for recording the document. Any liability that may result is the sole responsibility of the owner who caused the recordation.

(f) No filing or recording fees or otherwise authorized surcharges shall be required for the filing of a modification document pursuant to this section.

(3) For the purposes of this section, "restrictive covenant modification document" or "modification document" means a standard form developed and designed by the Washington state association of county auditors.

Sec. 2. RCW 64.38.028 and 2006 c 58 s 2 are each amended to read as follows:

(1) The association, acting through a simple majority vote of its board, may amend the association's governing documents for the purpose of removing:

(a) Every covenant, condition, or restriction that ((~~purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals of a specified race, creed, color, sex, or national origin; families with children status; individuals with any sensory, mental, or physical disability; or individuals who use a trained dog guide or service animal because they are blind or deaf or have a physical disability~~)) is void by reason of RCW 49.60.224; and

(b) Every covenant, condition, restriction, or prohibition, including a right of entry or possibility of reverter, that directly or indirectly limits the use or occupancy of real property on the basis of ((~~race, creed, color, sex, national origin; families with children status; the presence of any sensory, mental, or physical disability; or the use of a trained dog guide or service animal by a person with a physical disability or who is blind or deaf~~)) a protected class under chapter 49.60 RCW.

(2) Upon the board's receipt of a written request by a member of the association that the board exercise its amending authority granted under subsection (1) of this section, the board must, within a reasonable time, amend the governing documents, as provided under this section.

(3) Amendments under subsection (1) of this section may be executed by any board officer.

(4) Amendments made under subsection (1) of this section must be recorded in the public records and state the following:

> "This amendment strikes from these covenants, conditions, and restrictions those provisions that are void under RCW 49.60.224. Specifically, this amendment strikes:
>
> (a) Those provisions that forbid or restrict use, occupancy, conveyance, encumbrance, or lease of real property to individuals ((~~of a specified race, creed, color, sex, or national origin; families with children status; individuals with any sensory, mental, or physical disability; or individuals who use a trained dog guide or service animal because they are blind or deaf or have a physical disability~~)) on the basis of a protected class under chapter 49.60 RCW; and

(b) Every covenant, condition, restriction, or prohibition, including a right of entry or possibility of reverter, that directly or indirectly limits the use or occupancy of real property on the basis of ((~~race, creed, color, sex, national origin; families with children status; the presence of any sensory, mental, or physical disability; or the use of a trained dog guide or service animal by a person with a physical disability or who is blind or deaf~~)) a protected class under chapter 49.60 RCW."

(5) Board action under this section does not require the vote or approval of the owners.

(6) As provided in RCW 49.60.227((~~,~~)):

(a) Any owner, occupant, or tenant in the association or board may bring an action in superior court to have any provision of a written instrument that is void pursuant to RCW 49.60.224 stricken from the public records; or

(b) Any owner of property subject to a written instrument that contains a provision that is void pursuant to RCW 49.60.224 may record a restrictive covenant modification as defined in RCW 49.60.227.

(7) Nothing in this section prohibiting discrimination based on families with children status applies to housing for older persons as defined by the federal fair housing amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as amended by the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995. Nothing in this section authorizes requirements for housing for older persons different than the requirements in the federal fair housing amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as amended by the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.

(8) Except as otherwise provided in subsection (2) of this section, (a) nothing in this section creates a duty on the part of owners, occupants, tenants, associations, or boards to amend the governing documents as provided in this section, or to bring an action as authorized under this section and RCW 49.60.227; and (b) an owner, occupant, tenant, association, or board is not liable for failing to amend the governing documents or to pursue an action in court as authorized under this section and RCW 49.60.227.

NEW SECTION. **Sec. 3.** Section 1 of this act takes effect January 1, 2019.

Passed by the House February 8, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 66

[Engrossed Second Substitute House Bill 2578]

HOUSING--SOURCE OF INCOME

AN ACT Relating to ensuring housing options; amending RCW 36.22.178; amending 2017 3rd sp.s. c 4 s 1028 (uncodified); adding a new section to chapter 59.18 RCW; adding new sections to chapter 43.31 RCW; prescribing penalties; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18 RCW to read as follows:

(1) A landlord may not, based on the source of income of an otherwise eligible prospective tenant or current tenant:

(a) Refuse to lease or rent any real property to a prospective tenant or current tenant, unless the: (i) Prospective tenant's or current tenant's source of income is conditioned on the real property passing inspection; (ii) written estimate of the cost of improvements necessary to pass inspection is more than one thousand five hundred dollars; and (iii) landlord has not received moneys from the landlord mitigation program account to make the improvements;

(b) Expel a prospective tenant or current tenant from any real property;

(c) Make any distinction, discrimination, or restriction against a prospective tenant or current tenant in the price, terms, conditions, fees, or privileges relating to the rental, lease, or occupancy of real property or in the furnishing of any facilities or services in connection with the rental, lease, or occupancy of real property;

(d) Attempt to discourage the rental or lease of any real property to a prospective tenant or current tenant;

(e) Assist, induce, incite, or coerce another person to commit an act or engage in a practice that violates this section;

(f) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of the person having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected under this section;

(g) Represent to a person that a dwelling unit is not available for inspection or rental when the dwelling unit in fact is available for inspection or rental; or

(h) Otherwise make unavailable or deny a dwelling unit to a prospective tenant or current tenant that, but for his or her source of income, would be eligible to rent real property.

(2) A landlord may not publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign of any kind relating to the rental or lease of real property that indicates a preference, limitation, or requirement based on any source of income.

(3) If a landlord requires that a prospective tenant or current tenant have a certain threshold level of income, any source of income in the form of a rent voucher or subsidy must be subtracted from the total of the monthly rent prior to calculating if the income criteria have been met.

(4) A person in violation of this section shall be held liable in a civil action up to four and one-half times the monthly rent of the real property at issue, as well as court costs and reasonable attorneys' fees.

(5) As used in this section, "source of income" includes benefits or subsidy programs including housing assistance, public assistance, emergency rental assistance, veterans benefits, social security, supplemental security income or other retirement programs, and other programs administered by any federal, state, local, or nonprofit entity. "Source of income" does not include income derived in an illegal manner.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.31 RCW to read as follows:

(1) Subject to the availability of funds for this purpose, the landlord mitigation program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program. The following types of claims related to landlord mitigation for renting private market rental units to low-income tenants using a housing subsidy program are eligible for reimbursement from the landlord mitigation program account:

(a) Up to one thousand dollars for improvements identified in section 1(1)(a) of this act. In order to be eligible for reimbursement under this subsection (1)(a), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose housing subsidy program was conditioned on the real property passing inspection. Reimbursement under this subsection (1)(a) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose housing subsidy program was conditioned on the real property passing inspection until move in by that applicant;

(b) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent jurisdiction after a hearing;

(c) Reimbursement for damages established pursuant to subsection (2) of this section; and

(d) Reimbursement for unpaid rent and unpaid utilities, provided that the landlord can evidence it to the department's satisfaction.

(2) In order for a claim under subsection (1)(c) of this section to be eligible for reimbursement from the landlord mitigation program account, a landlord must:

(a) Have ensured that the rental property was inspected at the commencement of the tenancy by both the tenant and the landlord or landlord's agent and that a detailed written move-in property inspection report, as required in RCW 59.18.260, was prepared and signed by both the tenant and the landlord or landlord's agent;

(b) Make repairs and then apply for reimbursement to the department;

(c) Submit a claim on a form to be determined by the department, signed under penalty of perjury; and

(d) Submit to the department copies of the move-in property inspection report specified in (a) of this subsection and supporting materials including, but not limited to, before repair and after repair photographs, videos, copies of repair receipts for labor and materials, and such other documentation or information as the department may request.

(3) The department shall make reasonable efforts to review a claim within ten business days from the date it received properly submitted and complete claims to the satisfaction of the department. In reviewing a claim, and determining eligibility for reimbursement, the department must receive documentation, acceptable to the department in its sole discretion, that the claim involves a private market rental unit rented to a low-income tenant who is using a housing subsidy program.

(4) Claims related to a tenancy must total at least five hundred dollars in order for a claim to be eligible for reimbursement from the program. While claims or damages may exceed five thousand dollars, total reimbursement from the program may not exceed five thousand dollars per tenancy.

(5) Damages, beyond wear and tear, that are eligible for reimbursement include, but are not limited to: Interior wall gouges and holes; damage to doors and cabinets, including hardware; carpet stains or burns; cracked tiles or hard surfaces; broken windows; damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting. Other property damages beyond normal wear and tear may also be eligible for reimbursement at the department's discretion.

(6) All reimbursements for eligible claims shall be made on a first-come, first-served basis, to the extent of available funds. The department shall use best efforts to notify the tenant of the amount and the reasons for any reimbursements made.

(7) The department, in its sole discretion, may inspect the property and the landlord's records related to a claim, including the use of a third-party inspector as needed to investigate fraud, to assist in making its claim review and determination of eligibility.

(8) A landlord in receipt of reimbursement from the program is prohibited from:

(a) Taking legal action against the tenant for damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages attributable to the same tenancy.

(9) A landlord denied reimbursement under subsection (1)(c) of this section may seek to obtain a judgment from a court of competent jurisdiction and, if successful, may resubmit a claim for damages supported by the judgment, along with a certified copy of the judgment. The department may reimburse the landlord for that portion of such judgment that is based on damages reimbursable under the landlord mitigation program, subject to the limitations set forth in this section.

(10) Determinations regarding reimbursements shall be made by the department in its sole discretion.

(11) The department must establish a web site that advertises the landlord mitigation program, the availability of reimbursement from the landlord mitigation program account, and maintains or links to the agency rules and policies established pursuant to this section.

(12) Neither the state, the department, or persons acting on behalf of the department, while acting within the scope of their employment or agency, is liable to any person for any loss, damage, harm, or other consequence resulting directly or indirectly from the department's administration of the landlord mitigation program or determinations under this section.

(13)(a) A report to the appropriate committees of the legislature on the effectiveness of the program and recommended modifications shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021. In preparing the report, the department shall convene and solicit input from a group of stakeholders to include representatives of large multifamily housing property owners or managers, small rental housing owners in both rural and urban markets, a representative of tenant advocates, and a representative of the housing authorities.

(b) The report shall include discussion of the effectiveness of the program as well as the department's recommendations to improve the program, and shall include the following:

(i) The number of total claims and total amount reimbursed to landlords by the fund;

(ii) Any indices of fraud identified by the department;

(iii) Any reports by the department regarding inspections authorized by and conducted on behalf of the department;

(iv) An outline of the process to obtain reimbursement for improvements and for damages from the fund;

(v) An outline of the process to obtain reimbursement for lost rent due to the rental inspection and tenant screening process, together with the total amount reimbursed for such damages;

(vi) An evaluation of the feasibility for expanding the use of the mitigation fund to provide up to ninety-day no interest loans to landlords who have not received timely rental payments from a housing authority that is administering section 8 rental assistance;

(vii) Any other modifications and recommendations made by stakeholders to improve the effectiveness and applicability of the program.

(14) As used in this section:

(a) "Housing subsidy program" means a housing voucher as established under 42 U.S.C. Sec. 1437 as of January 1, 2018, or other housing subsidy program including, but not limited to, valid short-term or long-term federal, state, or local government, private nonprofit, or other assistance program in which the tenant's rent is paid either partially by the program and partially by the tenant, or completely by the program directly to the landlord;

(b) "Low-income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the private market rental unit is located; and

(c) "Private market rental unit" means any unit available for rent that is owned by an individual, corporation, limited liability company, nonprofit housing provider, or other entity structure, but does not include housing acquired, or constructed by a public housing agency under 42 U.S.C. Sec. 1437 as it existed on January 1, 2018.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.31 RCW to read as follows:

(1) The landlord mitigation program account is created in the custody of the state treasury. All transfers and appropriations by the legislature, repayments, private contributions, and all other sources must be deposited into the account. Expenditures from the account may only be used for the landlord mitigation program under this chapter to reimburse landlords for eligible claims related to private market rental units during the time of their rental to low-income tenants using housing subsidy programs as defined in section 2 of this act and for the administrative costs identified in subsection (2) of this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Administrative costs associated with application, distribution, and other program activities of the department may not exceed ten percent of the annual

funds available for the landlord mitigation program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.

Sec. 4. 2017 3rd sp.s. c 4 s 1028 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Rapid Housing Improvement Program (30000863)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Except as provided in subsection (2) of this section, the reappropriation is subject to the provisions of section 1010, chapter 35, Laws of 2016 sp. sess.

(2) The department may use the reappropriation to implement this act.

Reappropriation:

Washington Housing Trust Account—State $194,000
Prior Biennia (Expenditures) $31,000
Future Biennia (Projected Costs) $0
TOTAL $225,000

Sec. 5. RCW 36.22.178 and 2011 c 110 s 1 are each amended to read as follows:

The surcharge provided for in this section shall be named the affordable housing for all surcharge.

(1) Except as provided in subsection (3) of this section, a surcharge of ((~~ten~~)) thirteen dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit: (a) The portion of the funds attributable to ten dollars of the surcharge into the affordable housing for all account created in RCW 43.185C.190. The department of commerce must use these funds to provide housing and shelter for extremely low-income households, including but not limited to housing for victims of human trafficking and their families and grants for building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses; and (b) the portion of the funds attributable to three dollars of the surcharge into the landlord mitigation program account created in section 3 of this act.

(2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing activities as described in this subsection that serve very low-income households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve extremely low and very low-income households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. A priority

must be given to eligible housing activities that serve extremely low-income households with incomes at or below thirty percent of the area median income. Eligible housing activities to be funded by these county funds are limited to:

(a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including units for homeownership, rental units, seasonal and permanent farmworker housing units, units reserved for victims of human trafficking and their families, and single room occupancy units;

(b) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income households with incomes at or below fifty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing units that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including rental housing vouchers for victims of human trafficking and their families, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

(3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

NEW SECTION. **Sec. 6.** Section 1 of this act takes effect September 30, 2018.

Passed by the House March 6, 2018.
Passed by the Senate March 1, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 67

[Substitute Senate Bill 5746]

ASSOCIATION OF WASHINGTON GENERALS--SPECIAL LICENSE PLATES

AN ACT Relating to the association of Washington generals; amending RCW 43.15.030 and 46.68.430; reenacting and amending RCW 46.68.420, 46.17.220, and 46.18.200; adding a new section to chapter 43.15 RCW; adding a new section to chapter 46.04 RCW; repealing RCW 46.04.062 and 46.18.215; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.15.030 and 2005 c 69 s 1 are each amended to read as follows:

(1) The association of Washington generals is organized as a private, nonprofit, nonpartisan((,)) corporation in accordance with chapter 24.03 RCW and this section.

(2) The purpose of the association of Washington generals is to:

(a) Provide the state a means of extending formal recognition for an individual's outstanding services to the state; ((~~and~~))

(b) Bring together those individuals to serve the state as ambassadors of trade, tourism, and international goodwill; and

(c) Expand educational, sports, and/or employment opportunities for youth, veterans, and people with disabilities in Washington state.

(3) The association of Washington generals may conduct activities in support of their mission, including but not limited to:

(a) Establishing selection criteria for selecting Washington generals;

(b) ((~~Operating a statewide essay competition;~~

~~(c)~~)) Training Washington generals as ambassadors of the state of Washington, nationally and internationally; and

(((~~(d)~~))) (c) Promoting Washington generals as ambassadors of the state of Washington.

(4) The association of Washington generals is governed by a board of directors. The board is composed of the governor, lieutenant governor, and the secretary of state, who serve as ex officio, nonvoting members, and other officers and members as the association of Washington generals designates.

(5) The board shall:

(a) Review nominations for and be responsible for the selection of Washington generals; ((~~and~~))

(b) Establish the title of honorary Washington general to honor worthy individuals from outside the state of Washington; and

(c) Adopt bylaws and establish governance and transparency policies.

(((~~(5)~~))) (6) The lieutenant governor's office may provide technical and financial assistance for the association of Washington generals, where the work of the association aligns with the mission of the office. Assistance from the lieutenant governor's office may include, but is not limited to:

(a) Collaboration with the association of Washington generals on the Washington world fellows program, a college readiness and study abroad fellowship administered by the office of the lieutenant governor;

(b) Beginning January 1, 2019, collaboration with the association of Washington generals to administer the sports mentoring program as established under section 3 of this act, a mentoring program to encourage underserved youth to join sports or otherwise participate in the area of sports; and

(c) The compilation of a yearly financial report, which shall be made available to the legislature no later than January 15th of each year, detailing all revenues and expenditures associated with the Washington world fellows program and the sports mentoring program. Any expenditures made by the association of Washington generals in support of the Washington world fellows program and the sports mentoring program shall be made available to the office of the lieutenant governor for the purpose of inclusion in the annual financial report.

(((~~(6)~~))) (7) The legislature may make appropriations in support of the Washington generals subject to the availability of funds.

(8) The office of the lieutenant governor must post on its web site detailed information on all funds received by the association of Washington generals and all expenditures by the association of Washington generals.

Sec. 2. RCW 46.68.420 and 2017 c 25 s 3 and 2017 c 11 s 4 are each reenacted and amended to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under RCW 46.17.220;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fee amounts for each special license plate to the following appropriate account as created in this section in the custody of the state treasurer:

ACCOUNT	CONDITIONS FOR USE OF FUNDS
4-H programs	Support Washington 4-H programs
Fred Hutch	Support cancer research at the Fred Hutchinson cancer research center
Gonzaga University alumni association	Scholarship funds to needy and qualified students attending or planning to attend Gonzaga University
Helping kids speak	Provide free diagnostic and therapeutic services to families of children who suffer from a delay in language or speech development
Law enforcement memorial	Provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers
Lighthouse environmental programs	Support selected Washington state lighthouses that are accessible to the public and staffed by volunteers; provide environmental education programs; provide grants for other Washington lighthouses to assist in funding infrastructure preservation and restoration; encourage and support interpretive programs by lighthouse docents
Music matters awareness	Promote music education in schools throughout Washington

ACCOUNT	CONDITIONS FOR USE OF FUNDS
Seattle Mariners	Provide funds to the sports mentoring program and to support the Washington world fellows program in the following manner: (a) Seventy-five percent to the office of the lieutenant governor solely to administer the sports mentoring program established under section 3 of this act, to encourage youth who have economic needs or face adversities to experience spectator sports or get involved in youth sports, and (b) up to twenty-five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, an equity focused program
Seattle Seahawks	Provide funds to InvestED and to support the Washington world fellows program in the following manner: (a) Seventy-five percent, to InvestED, to encourage secondary students who have economic needs to stay in school, return to school, or get involved within their learning community; and (b) twenty-five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, including the provision of fellowships

ACCOUNT	CONDITIONS FOR USE OF FUNDS
Seattle Sounders FC	Provide funds to Washington state mentors and the association of Washington generals created in RCW 43.15.030 in the following manner: (a) Seventy percent and the remaining proceeds, if any, to Washington state mentors, to increase the number of mentors in the state by offering mentoring grants throughout Washington state that foster positive youth development and academic success, with up to twenty percent of these proceeds authorized for program administration costs; and (b) up to thirty percent, not to exceed forty-thousand dollars annually as adjusted for inflation by the office of financial management, to the association of Washington generals, to develop Washington state educational, veterans, international relations, and civics projects and to recognize the outstanding public service of individuals or groups in the state of Washington
Seattle University	Fund scholarships for students attending or planning to attend Seattle University
Share the road	Promote bicycle safety and awareness education in communities throughout Washington
Ski & ride Washington	Promote winter snowsports, such as skiing and snowboarding, and related programs, such as ski and ride safety programs, underprivileged youth ski and ride programs, and active, healthy lifestyle programs
State flower	Support Meerkerk Rhododendron Gardens and provide for grants to other qualified nonprofit organizations' efforts to preserve rhododendrons
Volunteer firefighters	Receive and disseminate funds for purposes on behalf of volunteer firefighters, their families, and others deemed in need

ACCOUNT	CONDITIONS FOR USE OF FUNDS
Washington farmers and ranchers	Provide funds to the Washington FFA Foundation for educational programs in Washington state
Washington state aviation	Provide funds to the department of transportation to support infrastructure improvements at public use airports in Washington state
Washington state council of firefighters benevolent fund	Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their families, and others deemed in need
Washington state wrestling	Provide funds to the Washington state wrestling foundation to fund new and existing college wrestling programs
((~~Washington state council of firefighters benevolent fund~~	~~Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their families, and others deemed in need~~))
Washington tennis	Provide funds to cities to assist in the construction and maintenance of a public tennis facility with at least four indoor tennis courts. A city is eligible for construction funds if the city does not already have a public or private facility with at least four indoor tennis courts. Funds for construction must first be made available to the most populous eligible city, according to the most recent census, for a time period not to exceed five years after January 1, 2017. After the five-year time period, the funds for construction must be made available to the next most populous eligible city. Funds for the maintenance of a public tennis facility with at least four indoor tennis courts must first be made available to the first eligible city that utilizes funds for construction provided by chapter 16, Laws of 2016

ACCOUNT	CONDITIONS FOR USE OF FUNDS
Washington's national park fund	Build awareness of Washington's national parks and support priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks
We love our pets	Support and enable the Washington federation of animal welfare and control agencies to promote and perform spay/neuter surgery of Washington state pets in order to reduce pet population

(3) Except as otherwise provided in this section, only the director or the director's designee may authorize expenditures from the accounts described in subsection (2) of this section. The accounts are subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) Except as otherwise provided in this section, funds in the special license plate accounts described in subsection (2) of this section must be disbursed subject to the conditions described in subsection (2) of this section and under contract between the department and qualified nonprofit organizations that provide the services described in subsection (2) of this section.

(5) Funds from the Seattle Seahawks account may be provided to the lieutenant governor solely for the purpose of administering the Washington world fellows program. Of the amounts received by the lieutenant governor's office under this subsection, at least ninety percent must be provided as fellowships under the program.

(6) Beginning January 1, 2019, funds from the Seattle Mariners account may be provided to the office of lieutenant governor solely for the purpose of administering the sports mentoring program. Of the amounts received by the office of lieutenant governor, at least ninety percent must be applied towards services directly provided to youth participants.

(7) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation operating in Washington that has received a determination of tax exempt status under 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must meet all the requirements under RCW 46.18.100(1).

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.15 RCW to read as follows:

(1) The sports mentoring program is established to enable eligible nonprofit community-based organizations to provide opportunities for underserved youth to join sports teams or otherwise participate in the area of sports. The goal of the program is to support youth in building self-confidence, developing skills in the areas of goal setting and collaboration, and promoting a healthy lifestyle through forming positive relationships with peers and family, avoiding risky or delinquent behavior, and achieving educational success. Proceeds from the

Seattle Mariners special license plate, issued under RCW 46.18.200, must be deposited into the Seattle Mariners account in accordance with RCW 46.68.420. Funds in the account may only be used, except as provided under RCW 46.68.420(6), for grants to support youth to stay in school, participate in sports, and receive mentorships.

(2) The office of lieutenant governor will collaborate with the association of Washington generals to issue competitive grants to eligible organizations. The following criteria must be used to prioritize applications:

(a) Services provided by the organization to program participants are provided without a fee;

(b) Eligible organizations must assist children with enrolling in sports through their parents, guardians, or coach; and

(c) Eligible organizations must provide professional staff support to the mentor, child, and parent.

(3) Eligible organizations must meet the following requirements:

(a) Be a 501(c)(3) nonprofit organization;

(b) Conduct national criminal background checks for all employees and volunteer mentors who work with children;

(c) Have adopted standards for care including staff training, health and safety standards, and mechanisms for assessing and enforcing the program's compliance with the standards adopted;

(d) Ensure that sixty percent or more of the children they serve are eligible for free or reduced-price lunch;

(e) Provide free, direct services to children through volunteer mentoring; and

(f) Provide professional oversight of all mentoring relationships for each child served.

Sec. 4. RCW 46.17.220 and 2017 c 25 s 2 and 2017 c 11 s 3 are each reenacted and amended to read as follows:

(((~~(1)~~))) In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16A RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(((~~(a)~~))) (1) 4-H	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(b)~~))) (2) Amateur radio license	$ 5.00	N/A	RCW 46.68.070
(((~~(c)~~))) (3) Armed forces	$ 40.00	$ 30.00	RCW 46.68.425
(((~~(d) Baseball stadium~~	~~$ 40.00~~	~~$ 30.00~~	~~Subsection (2) of this section~~
~~(e)~~)) (4) Breast cancer awareness	$ 40.00	$ 30.00	RCW 46.68.425
(((~~(f)~~))) (5) Collector vehicle	$ 35.00	N/A	RCW 46.68.030
(((~~(g)~~))) (6) Collegiate	$ 40.00	$ 30.00	RCW 46.68.430
(((~~(h)~~))) (7) Endangered wildlife	$ 40.00	$ 30.00	RCW 46.68.425
(((~~(i)~~))) (8) Fred Hutch	$ 40.00	$ 30.00	RCW 46.68.420

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(((~~(j)~~))) (9) Gonzaga University alumni association	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(k)~~))) (10) Helping kids speak	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(l)~~))) (11) Horseless carriage	$ 35.00	N/A	RCW 46.68.030
(((~~(m)~~))) (12) Keep kids safe	$ 45.00	$ 30.00	RCW 46.68.425
(((~~(n)~~))) (13) Law enforcement memorial	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(o)~~))) (14) Military affiliate radio system	$ 5.00	N/A	RCW 46.68.070
(((~~(p)~~))) (15) Music matters	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(q) Purple Heart~~	~~$ 40.00~~	~~$ 30.00~~	~~RCW 46.68.425~~
~~(r)~~))) (16) Professional firefighters and paramedics	$ 40.00	$ 30.00	RCW 46.68.420
(17) Purple Heart	$ 40.00	$ 30.00	RCW 46.68.425
(((~~(s)~~))) (18) Ride share	$ 25.00	N/A	RCW 46.68.030
(((~~(t)~~))) (19) Seattle Mariners	$ 40.00	$ 30.00	RCW 46.68.420
(20) Seattle Seahawks	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(u)~~))) (21) Seattle Sounders FC	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(v)~~))) (22) Seattle University	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(w)~~))) (23) Share the road	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(x)~~))) (24) Ski & ride Washington	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(y)~~))) (25) Square dancer	$ 40.00	N/A	RCW 46.68.070
(((~~(z)~~))) (26) State flower	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(aa)~~))) (27) Volunteer firefighters	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(bb)~~))) (28) Washington farmers and ranchers	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(cc)~~))) (29) Washington lighthouses	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(dd)~~))) (30) Washington state aviation	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(ee)~~))) (31) Washington state parks	$ 40.00	$ 30.00	RCW 46.68.425
(((~~(ff)~~))) (32) Washington state wrestling	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(gg)~~))) (33) Washington tennis	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(hh)~~))) (34) Washington's fish collection	$ 40.00	$ 30.00	RCW 46.68.425

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(((~~(ii)~~))) (35) Washington's national parks	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(jj)~~))) (36) Washington's wildlife collection	$ 40.00	$ 30.00	RCW 46.68.425
(((~~(kk)~~))) (37) We love our pets	$ 40.00	$ 30.00	RCW 46.68.420
(((~~(ll)~~))) (38) Wild on Washington	$ 40.00	$ 30.00	RCW 46.68.425

(((~~(2) After deducting administration and collection expenses for the sale of baseball stadium license plates, the remaining proceeds must be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.~~)))

Sec. 5. RCW 46.18.200 and 2017 c 25 s 1 and 2017 c 11 s 2 are each reenacted and amended to read as follows:

(1) Special license plate series reviewed and approved by the department:

(a) May be issued in lieu of standard issue or personalized license plates for vehicles required to display one and two license plates unless otherwise specified;

(b) Must be issued under terms and conditions established by the department;

(c) Must not be issued for vehicles registered under chapter 46.87 RCW; and

(d) Must display a symbol or artwork approved by the department.

(2) The department approves and shall issue the following special license plates:

LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
4-H	Displays the "4-H" logo.
Armed forces collection	Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.
Breast cancer awareness	Displays a pink ribbon symbolizing breast cancer awareness.
Endangered wildlife	Displays a symbol or artwork symbolizing endangered wildlife in Washington state.

LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
Fred Hutch	Displays the Fred Hutch logo.
Gonzaga University alumni association	Recognizes the Gonzaga University alumni association.
Helping kids speak	Recognizes an organization that supports programs that provide no-cost speech pathology programs to children.
Keep kids safe	Recognizes efforts to prevent child abuse and neglect.
Law enforcement memorial	Honors law enforcement officers in Washington killed in the line of duty.
Music matters	Displays the "Music Matters" logo.
Professional firefighters and paramedics	Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.
Seattle Mariners	Displays the "Seattle Mariners" logo.
Seattle Seahawks	Displays the "Seattle Seahawks" logo.
Seattle Sounders FC	Displays the "Seattle Sounders FC" logo.
Seattle University	Recognizes Seattle University.
Share the road	Recognizes an organization that promotes bicycle safety and awareness education.
Ski & ride Washington	Recognizes the Washington snowsports industry.
State flower	Recognizes the Washington state flower.
Volunteer firefighters	Recognizes volunteer firefighters.
Washington farmers and ranchers	Recognizes farmers and ranchers in Washington state.
Washington lighthouses	Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs.
Washington state aviation	Displays a Stearman biplane in the foreground with an image of Mount Rainier in the background.
Washington state parks	Recognizes Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.

LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
Washington state wrestling	Promotes and supports college wrestling in the state of Washington.
Washington tennis	Builds awareness and year-round opportunities for tennis in Washington state. Displays a symbol or artwork recognizing tennis in Washington state.
Washington's fish collection	Recognizes Washington's fish.
Washington's national park fund	Builds awareness of Washington's national parks and supports priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks.
((~~Washington's fish collection~~	~~Recognizes Washington's fish.~~))
Washington's wildlife collection	Recognizes Washington's wildlife.
We love our pets	Recognizes an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets to reduce pet overpopulation.
Wild on Washington	Symbolizes wildlife viewing in Washington state.

(3) Applicants for initial and renewal professional firefighters and paramedics special license plates must show proof of eligibility by providing a certificate of current membership from the Washington state council of firefighters.

(4) Applicants for initial volunteer firefighters special license plates must (a) have been a volunteer firefighter for at least ten years or be a volunteer firefighter for one or more years and (b) have documentation of service from the district of the appropriate fire service. If the volunteer firefighter leaves firefighting service before ten years of service have been completed, the volunteer firefighter shall surrender the license plates to the department on the registration renewal date. If the volunteer firefighter stays in service for at least ten years and then leaves, the license plate may be retained by the former volunteer firefighter and as long as the license plate is retained for use the person will continue to pay the future registration renewals. A qualifying volunteer firefighter may have no more than one set of license plates per vehicle, and a maximum of two sets per applicant, for their personal vehicles. If the volunteer firefighter is convicted of a violation of RCW 46.61.502 or a felony, the license plates must be surrendered upon conviction.

Sec. 6. RCW 46.68.430 and 2010 c 161 s 811 are each amended to read as follows:

(1) The department shall:

(a) Collect special license plates fees established under RCW 46.17.220((~~(1) (c) and (e)~~)) (6);

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the remaining special license plate fees to the following accounts by special license plate type:

SPECIAL LICENSE PLATE TYPE	ACCOUNT	PURPOSE
((~~Baseball stadium~~	~~A county~~	~~To pay the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After the principal and interest payments on bonds have been made, the state treasurer shall credit the funds to the state general fund.~~))
Collegiate	RCW 28B.10.890	Student scholarships

NEW SECTION. **Sec. 7.** A new section is added to chapter 46.04 RCW to read as follows:

"Seattle Mariners license plates" means special license plates issued under RCW 46.18.200 that display a symbol or artwork recognizing the Seattle Mariners.

NEW SECTION. **Sec. 8.** The following acts or parts of acts are each repealed:

(1) RCW 46.04.062 (Baseball stadium license plate) and 2010 c 161 s 105; and

(2) RCW 46.18.215 (Baseball stadium license plates) and 2011 c 332 s 3, 2010 c 161 s 614, 1997 c 291 s 5, 1995 3rd sp.s. c 1 s 102, 1994 c 194 s 2, & 1990 c 250 s 1.

NEW SECTION. **Sec. 9.** Sections 3 through 8 of this act take effect January 1, 2019.

Passed by the Senate March 8, 2018.

Passed by the House March 2, 2018.

Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 68

[Engrossed Substitute Senate Bill 5928]
MARIJUANA--FINANCIAL SERVICES

AN ACT Relating to making financial services available to marijuana producers, processors, retailers, qualifying patients, health care professionals, and designated providers as authorized under chapters 69.50 and 69.51A RCW; and adding a new section to chapter 9.01 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 9.01 RCW to read as follows:

(1) A person or entity that receives deposits, extends credit, conducts funds transfers, transports cash or financial instruments on behalf of a financial institution, or provides other financial services for a marijuana producer, marijuana processor, or marijuana retailer authorized under chapter 69.50 RCW or for a qualifying patient, health care professional, or designated provider authorized under chapter 69.51A RCW, does not commit a crime under any Washington law solely by virtue of receiving deposits, extending credit, conducting funds transfers, transporting cash or other financial instruments, or providing other financial services for the person.

(2) For the purposes of this section, "person or entity" means a financial institution as defined in RCW 30A.22.040, an armored car service operating under a permit issued by the utilities and transportation commission that has been contracted by a financial institution, or a person providing financial services pursuant to a license issued under chapter 18.44, 19.230, or 31.04 RCW.

(3) A certified public accountant or certified public accounting firm, which practices public accounting as defined in RCW 18.04.025, does not commit a crime solely for providing professional accounting services as specified in RCW 18.04.025 for a marijuana producer, marijuana processor, or marijuana retailer authorized under chapter 69.50 RCW.

Passed by the Senate February 13, 2018.
Passed by the House March 1, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 69

[Substitute Senate Bill 6012]
DRIVER'S LICENSE VETERAN DESIGNATION--REQUIREMENTS

AN ACT Relating to requirements for the issuance of a driver's license that includes a veteran designation; and amending RCW 46.20.161.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 46.20.161 and 2014 c 185 s 1 are each amended to read as follows:

(1) The department, upon receipt of a fee of forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013, unless the

driver's license is issued for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, in which case the fee shall be nine dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. A driver's license issued to a person under the age of eighteen is an intermediate license, subject to the restrictions imposed under RCW 46.20.075, until the person reaches the age of eighteen. The license must include a distinguishing number assigned to the licensee, the name of record, date of birth, Washington residence address, photograph, a brief description of the licensee, either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license, and, if applicable, the person's status as a veteran as provided in subsection (2) of this section. No license is valid until it has been so signed by the licensee.

(2) A ((~~person~~)) veteran, as defined in RCW 41.04.007, or an individual who otherwise meets the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, may apply to the department to obtain a veteran designation on a driver's license issued under this section by providing ((~~the~~)):

(a) A United States department of veterans affairs identification card or proof of service letter;

(b) A United States department of defense discharge document, DD Form 214 or DD Form 215, as it exists on ((~~August 30, 2017~~)) the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the armed forces of the United States;

(c) A national guard state-issued report of separation and military service, NGB Form 22, as it exists on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's active duty or reserve service in the national guard; or

(d) A United States uniformed services identification card, DD Form 2, that displays on its face that it has been issued to a retired member of any of the armed forces of the United States, including the national guard and armed forces reserves.

The department may permit a veteran, as defined in RCW 41.04.007, or an individual who otherwise meets the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, to submit an alternate form of documentation to apply to obtain a veteran designation on a driver's license, as specified by rule, that requires a discharge status of "honorable" or "general under honorable conditions" and that establishes the person's service as required under RCW 41.04.007.

Passed by the Senate February 7, 2018.
Passed by the House March 2, 2018.
Approved by the Governor March 15, 2018.

Filed in Office of Secretary of State March 16, 2018.

CHAPTER 70

[Senate Bill 6027]

CIVIL RIGHTS--NON ECONOMIC DAMAGES--PRIVILEGED HEALTH INFORMATION

AN ACT Relating to the discovery of privileged health care information and communications in claims for noneconomic damages under certain civil rights laws; and adding a new section to chapter 49.60 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 49.60 RCW to read as follows:

(1) By requesting noneconomic damages under this chapter, a claimant does not place his or her health at issue or waive any health care privilege under RCW 5.60.060 or 18.83.110, or any other law, unless the claimant:

(a) Alleges a specific diagnosable physical or psychiatric injury as a proximate result of the respondents' conduct;

(b) Relies on the records or testimony of a health care provider or expert witness to seek general damages; or

(c) Alleges failure to accommodate a disability or alleges discrimination on the basis of a disability.

(2) Any waiver under subsection (1)(a) through (c) of this section is limited to health care records and communication between a claimant and his or her provider or providers:

(a) Created or occurring in the period beginning two years immediately preceding the first alleged unlawful act for which the claimant seeks damages and ending at the last date for which the claimant seeks damages, unless the court finds exceptional circumstances to order a longer period of time; and

(b) Relating specifically to the diagnosable injury, to the health care provider or providers on which the claimant relies in the action, or to the disability specifically at issue in the allegation.

Passed by the Senate February 13, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 71

[Senate Bill 6073]

HARDWOOD PROCESSORS--COMMISSION ASSESSMENT

AN ACT Relating to adjusting assessments levied on hardwood processors; amending RCW 15.74.060; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 15.74.060 and 1991 c 67 s 3 are each amended to read as follows:

To provide for permanent funding of the Washington hardwoods commission, agricultural commodity assessments shall be levied by the commission on processors of hardwoods.

An assessment is hereby levied on hardwood processors operating within the state of Washington. The assessment ((~~categories~~)) shall be based on the hardwood processor's production per calendar quarter. The assessment shall be ((~~levied based upon the following schedule:~~

~~CATEGORY~~	~~QUARTERLY PRODUCTION (THOUSAND TONS)~~	~~QUARTERLY ASSESSMENT~~
~~1~~	~~5 to 7.5~~	~~$ 150~~
~~2~~	~~7.5 to 15~~	~~$ 300~~
~~3~~	~~15 to 25~~	~~$ 600~~
~~4~~	~~25 to 35~~	~~$ 900~~
~~5~~	~~35 to 45~~	~~$ 1,200~~
~~6~~	~~45 to 62.5~~	~~$ 1,500~~
~~7~~	~~62.5 to 82.5~~	~~$ 2,250~~
~~8~~	~~82.5 to 125~~	~~$ 3,000~~
~~9~~	~~125 to 175~~	~~$ 4,500~~
~~10~~	~~175 to 250~~	~~$ 6,000~~
~~11~~	~~250 to 350~~	~~$ 9,000~~
~~12~~	~~350 to 450~~	~~$12,000~~
~~13~~	~~450 to 625~~	~~$15,000~~
~~14~~	~~625 to 875~~	~~$22,500~~
~~15~~	~~875 to 1125~~	~~$30,000~~
~~16~~	~~Over 1125~~	~~$35,000~~))

four cents per ton produced.

The commission may develop by rule formulas for converting other units of measure to ((~~thousands of~~)) tons of production for determining the appropriate production ((~~category~~)) per calendar quarter. The assessment shall be calculated based upon calendar quarters ((~~with the first assessment period beginning July 1, 1991~~)). Beginning July 1, 2019, and every July 1st thereafter, the assessment must be adjusted to reflect the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce by September 25th of the year before the assessments are payable.

NEW SECTION. **Sec. 2.** This act takes effect July 1, 2018.

Passed by the Senate January 25, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 72

[Senate Bill 6125]

DEPARTMENT OF ECOLOGY--VOLUNTARY REGIONAL AGREEMENTS--EXPIRATION DATE

AN ACT Relating to extending the expiration date of the department of ecology's authority to enter into voluntary regional agreements; amending RCW 90.90.030 and 90.90.050; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 90.90.030 and 2012 c 161 s 1 are each amended to read as follows:

(1) The department of ecology may enter into voluntary regional agreements for the purpose of providing new water for out-of-stream use, streamlining the application process, and protecting instream flow.

(2) Such agreements shall ensure that:

(a) For water rights issued from the Columbia river mainstem, there is no negative impact on Columbia river mainstem instream flows in the months of July and August as a result of the new appropriations issued under the agreement;

(b) For water rights issued from the lower Snake river mainstem, there is no negative impact on Snake river mainstem instream flows from April through August as a result of the new appropriations issued under the agreement; and

(c) Efforts are made to harmonize such agreements with watershed plans adopted under the authority of chapter 90.82 RCW that are applicable to the area covered by the agreement.

(3) The protection of instream flow as set forth in subsection (2) of this section is adequate for purposes of mitigating instream flow impacts resulting from any appropriations for out-of-stream use made under a voluntary regional agreement, and the only applicable consultation provisions under state law regarding instream flow impacts shall be those set forth in subsection (4) of this section.

(4) Before executing a voluntary agreement under this section, the department of ecology shall:

(a) Provide a sixty-day period for consultation with county legislative authorities and watershed planning groups with jurisdiction over the area where the water rights included in the agreement are located, the department of fish and wildlife, and affected tribal governments, and federal agencies. The department of fish and wildlife shall provide written comments within that time period. The consultation process for voluntary regional agreements developed under the provisions of this section is deemed adequate for the issuance of new water rights provided for in this section and satisfies all consultation requirements under state law related to the issuance of new water rights; and

(b) Provide a thirty-day public review and comment period for a draft agreement, and publish a summary of any public comments received. The thirty-day review period shall not begin until after the department of ecology has concluded its consultation under (a) of this subsection and the comments that have been received by the department are made available to the public.

(5) The provisions of subsection (4) of this section satisfy all applicable consultation requirements under state law.

(6) The provisions of this section and any voluntary regional agreements developed under such provisions may not be relied upon by the department of ecology as a precedent, standard, or model that must be followed in any other voluntary regional agreements.

(7) Nothing in this section may be interpreted or administered in a manner that precludes the processing of water right applications under chapter 90.03 or 90.44 RCW that are not included in a voluntary regional agreement.

(8) Nothing in this section may be interpreted or administered in a manner that impairs or diminishes a valid water right or a habitat conservation plan approved for purposes of compliance with the federal endangered species act.

(9) If the department of ecology executes a voluntary agreement under this section that includes water rights appropriated from the lower Snake river mainstem, the department shall develop aggregate data in accordance with the provisions of RCW 90.90.050 for the lower Snake river mainstem.

(10) Any agreement entered into under this section shall remain in full force and effect through the term of the agreement regardless of the expiration of this section.

(11) The definitions in this subsection apply to this section and RCW 90.90.050, and may only be used for purposes of implementing these sections.

(a) "Columbia river mainstem" means all water in the Columbia river within the ordinary high water mark of the main channel of the Columbia river between the border of the United States and Canada and the Bonneville dam, and all groundwater within one mile of the high water mark.

(b) "Lower Snake river mainstem" means all water in the lower Snake river within the ordinary high water mark of the main channel of the lower Snake river from the head of Ice Harbor pool to the confluence of the Snake and Columbia rivers, and all groundwater within one mile of the high water mark.

(12) This section expires June 30, ((~~2018~~)) 2024.

Sec. 2. RCW 90.90.050 and 2006 c 6 s 6 are each amended to read as follows:

(1) In order to better understand current water use and instream flows in the Columbia river mainstem, the department of ecology shall establish and maintain a Columbia river mainstem water resources information system that provides the information necessary for effective mainstem water resource planning and management.

(2) To accomplish the objective in subsection (1) of this section, the department of ecology shall use information compiled by existing local watershed planning groups, federal agencies, the Bonneville power administration, irrigation districts, conservation districts in the basin, and other available sources. The information shall include:

(a) The total aggregate quantity of water rights issued under state permits and certificates and filed under state claims on the Columbia river mainstem and for groundwater within one mile of the mainstem; and

(b) The total aggregate volume of current water use under these rights as metered and reported by water users under current law.

(3) The department of ecology shall publish the aggregate data on the department's web site no later than June 30, 2009, and shall periodically update the data.

(4) For purposes of this section, the definition of Columbia river mainstem in RCW 90.90.030(((~~(12)~~))) (11) shall apply and the use of the definition is solely limited to the purpose of collecting data to meet the information requirements of this section.

Passed by the Senate February 13, 2018.
Passed by the House March 1, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 73

[Senate Bill 6136]

AP COMPUTER SCIENCE--HIGH SCHOOL MATHEMATICS

AN ACT Relating to removing concurrent enrollment requirement of algebra II for AP computer science courses to be counted as equivalent to high school mathematics; and reenacting and amending RCW 28A.230.097.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 28A.230.097 and 2014 c 217 s 204 and 2014 c 217 s 102 are each reenacted and amended to read as follows:

(1) Each high school or school district board of directors shall adopt course equivalencies for career and technical high school courses offered to students in high schools and skill centers. A career and technical course equivalency may be for whole or partial credit. Each school district board of directors shall develop a course equivalency approval procedure. Boards of directors must approve AP computer science courses as equivalent to high school mathematics or science, and must denote on a student's transcript that AP computer science qualifies as a math-based quantitative course for students who take the course in their senior year. ((~~In order for a board to approve AP computer science as equivalent to high school mathematics, the student must be concurrently enrolled in or have successfully completed algebra II.~~)) Beginning no later than the 2015-16 school year, a school district board of directors must, at a minimum, grant academic course equivalency in mathematics or science for a high school career and technical course from the list of courses approved by the state board of education under RCW 28A.700.070, but is not limited to the courses on the list. If the list of courses is revised after the 2015-16 school year, the school district board of directors must grant academic course equivalency based on the revised list beginning with the school year immediately following the revision.

(2) Career and technical courses determined to be equivalent to academic core courses, in full or in part, by the high school or school district shall be accepted as meeting core requirements, including graduation requirements, if the courses are recorded on the student's transcript using the equivalent academic high school department designation and title. Full or partial credit shall be recorded as appropriate. The high school or school district shall also issue and keep record of course completion certificates that demonstrate that the career and technical courses were successfully completed as needed for industry certification, college credit, or preapprenticeship, as applicable. The certificate shall be part of the student's high school and beyond plan. The office of the

superintendent of public instruction shall develop and make available electronic samples of certificates of course completion.

Passed by the Senate February 8, 2018.
Passed by the House March 2, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 74

[Engrossed Substitute Senate Bill 6143]
CITIES--UNIT PRICED CONTRACTING

AN ACT Relating to clarifying the authority and procedures for unit priced contracting by cities; and amending RCW 35.22.620 and 35.23.352.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 35.22.620 and 2012 1st sp.s. c 5 s 1 are each amended to read as follows:

(1) As used in this section, the term "public works" means as defined in RCW 39.04.010.

(2) A first-class city may have public works performed by contract pursuant to public notice and call for competitive bids. As limited by subsection (3) of this section, a first-class city may have public works performed by city employees in any annual or biennial budget period equal to a dollar value not exceeding ten percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the budget period. The amount of public works that a first-class city has a county perform for it under RCW 35.77.020 shall be included within this ten percent limitation.

If a first-class city has public works performed by public employees in any budget period that are in excess of this ten percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that city in its next budget period. Twenty percent of the motor vehicle fuel tax distributions to that city shall be withheld if two years after the year in which the excess amount of work occurred, the city has failed to so reduce the amount of public works that it has performed by public employees. The amount so withheld shall be distributed to the city when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been so reduced.

Whenever a first-class city has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works within that budget period shall be done by contract pursuant to public notice and call for competitive bids.

The state auditor shall report to the state treasurer any first-class city that exceeds this amount and the extent to which the city has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(3) In addition to the percentage limitation provided in subsection (2) of this section, a first-class city shall not have public employees perform a public works project in excess of ninety thousand dollars if more than a single craft or trade is

involved with the public works project, or a public works project in excess of forty-five thousand dollars if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

(4) In addition to the accounting and recordkeeping requirements contained in RCW 39.04.070, every first-class city annually may prepare a report for the state auditor indicating the total public works construction budget and supplemental public works construction budget for that year, the total construction costs of public works performed by public employees for that year, and the amount of public works that is performed by public employees above or below ten percent of the total construction budget. However, if a city budgets on a biennial basis, this annual report may indicate the amount of public works that is performed by public employees within the current biennial period that is above or below ten percent of the total biennial construction budget.

Each first-class city with a population of one hundred fifty thousand or less shall use the form required by RCW 43.09.205 to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(6) The competitive bidding requirements of this section may be waived by the city legislative authority pursuant to RCW 39.04.280 if an exemption contained within that section applies to the work or contract.

(7) In lieu of the procedures of subsections (2) and (6) of this section, a first-class city may let contracts using the small works roster process in RCW 39.04.155.

Whenever possible, the city shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section.

(8) The allocation of public works projects to be performed by city employees shall not be subject to a collective bargaining agreement.

(9) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A RCW.

(10) Nothing in this section shall prohibit any first-class city from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(11)(a) Any first-class city may procure public works with a unit priced contract under this section for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades.

(b) For the purposes of this section, "unit priced contract" means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of the city, under which the contractor agrees to a fixed period indefinite quantity delivery of work, at a defined unit price for each category of work.

(c) Unit priced contracts must be executed for an initial contract term not to exceed three years, with the city having the option of extending or renewing the unit priced contract for one additional year.

(d) Invitations for unit price bids shall include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the city will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. Contracts must be awarded to the lowest responsible bidder as per RCW 39.04.010. Whenever possible, the city must invite at least one proposal from a minority or woman contractor who otherwise qualifies under this section.

(e) Unit price contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts must have prevailing wage rates updated annually. Intents and affidavits for prevailing wages paid must be submitted annually for all work completed within the previous twelve-month period of the unit priced contract.

Sec. 2. RCW 35.23.352 and 2009 c 229 s 4 are each amended to read as follows:

(1) Any second-class city or any town may construct any public works, as defined in RCW 39.04.010, by contract or day labor without calling for bids therefor whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of sixty-five thousand dollars if more than one craft or trade is involved with the public works, or forty thousand dollars if a single craft or trade is involved with the public works or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

Whenever the cost of the public work or improvement, including materials, supplies and equipment, will exceed these figures, the same shall be done by contract. All such contracts shall be let at public bidding upon publication of notice calling for sealed bids upon the work. The notice shall be published in the official newspaper, or a newspaper of general circulation most likely to bring responsive bids, at least thirteen days prior to the last date upon which bids will be received. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city or town hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. The council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call.

When the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council or commission, in accordance with RCW 39.08.030. If the bidder fails to enter into the contract in accordance with his or her bid and furnish a bond within ten days from the date at which he or she is notified that he or she is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

If no bid is received on the first call the council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform the work or improvement by day labor.

(2) The allocation of public works projects to be performed by city or town employees shall not be subject to a collective bargaining agreement.

(3) In lieu of the procedures of subsection (1) of this section, a second-class city or a town may let contracts using the small works roster process provided in RCW 39.04.155.

Whenever possible, the city or town shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section.

(4) The form required by RCW 43.09.205 shall be to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of the materials, equipment, supplies, and labor on that construction project.

(6) Any purchase of supplies, material, or equipment, except for public work or improvement, where the cost thereof exceeds seven thousand five hundred dollars shall be made upon call for bids.

(7) Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

(8) For advertisement and formal sealed bidding to be dispensed with as to purchases with an estimated value of fifteen thousand dollars or less, the council or commission must authorize by resolution, use of the uniform procedure provided in RCW 39.04.190.

(9) The city or town legislative authority may waive the competitive bidding requirements of this section pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

(10) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A RCW.

(11) Nothing in this section shall prohibit any second class city or any town from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(12)(a) Any second-class city or any town may procure public works with a unit priced contract under this section for the purpose of completing anticipated

types of work based on hourly rates or unit pricing for one or more categories of work or trades.

(b) For the purposes of this section, "unit priced contract" means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of the city or town, under which the contractor agrees to a fixed period indefinite quantity delivery of work, at a defined unit price for each category of work.

(c) Unit priced contracts must be executed for an initial contract term not to exceed three years, with the city or town having the option of extending or renewing the unit priced contract for one additional year.

(d) Invitations for unit price bids shall include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the city or town will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. Contracts must be awarded to the lowest responsible bidder as per RCW 39.04.010. Whenever possible, the city or town must invite at least one proposal from a minority or woman contractor who otherwise qualifies under this section.

(e) Unit price contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts must have prevailing wage rates updated annually. Intents and affidavits for prevailing wages paid must be submitted annually for all work completed within the previous twelve-month period of the unit priced contract.

Passed by the Senate February 7, 2018.
Passed by the House February 28, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 75

[Engrossed Second Substitute Senate Bill 6162]

DYSLEXIA

AN ACT Relating to defining dyslexia as a specific learning disability and requiring early screening for dyslexia; amending RCW 28A.165.035 and 28A.710.040; adding new sections to chapter 28A.320 RCW; adding new sections to chapter 28A.300 RCW; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320 RCW to read as follows:

For the purposes of sections 2 through 6 of this act, "dyslexia" means a specific learning disorder that is neurological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that are not consistent with the person's intelligence, motivation, and sensory capabilities. These difficulties typically result from a deficit in the phonological components of language that is often unexpected in relation to other cognitive abilities. In addition, the difficulties are not typically a result of ineffective classroom instruction. Secondary

consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) Beginning in the 2021-22 school year, and as provided in this section, each school district must use multitiered systems of support to provide interventions to students in kindergarten through second grade who display indications of, or areas of weakness associated with, dyslexia. In order to provide school districts with the opportunity to intervene before a student's performance falls significantly below grade level, school districts must screen students in kindergarten through second grade for indications of, or areas associated with, dyslexia as provided in this section.

(2)(a) School districts must use screening tools and resources that exemplify best practices, as described under section 3 of this act.

(b) School districts may use the screening tools and resources identified by the superintendent of public instruction in accordance with section 3 of this act.

(3)(a) If a student shows indications of below grade level literacy development or indications of, or areas of weakness associated with, dyslexia, the school district must provide interventions using evidence-based multitiered systems of support, consistent with the recommendations of the dyslexia advisory council under section 4 of this act and as required under this subsection (3).

(b) The interventions must be evidence-based multisensory structured literacy interventions and must be provided by an educator trained in instructional methods specifically targeting students' areas of weakness.

(c) Whenever possible, a school district must begin by providing student supports in the general education classroom. If screening tools and resources indicate that, after receiving the initial tier of student support, a student requires interventions, the school district may provide the interventions in either the general education classroom or a learning assistance program setting. If after receiving interventions, further screening tools and resources indicate that a student continues to have indications of, or areas of weakness associated with, dyslexia, the school district must recommend to the student's parents and family that the student be evaluated for dyslexia or a specific learning disability.

(4) For a student who shows indications of, or areas of weakness associated with, dyslexia, each school district must notify the student's parents and family of the identified indicators and areas of weakness, as well as the plan for using multitiered systems of support to provide supports and interventions. The initial notice must also include information relating to dyslexia and resources for parental support developed by the superintendent of public instruction. The school district must regularly update the student's parents and family of the student's progress.

(5) School districts may use state funds provided under chapter 28A.165 RCW to meet the requirements of this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) By September 1, 2019, the superintendent of public instruction, after considering recommendations from the dyslexia advisory council convened under section 4 of this act, must identify screening tools and resources that, at a minimum, meet the following best practices to:

(a) Satisfy developmental and academic criteria, including considerations of validity and reliability, that indicate typical literacy development or dyslexia, taking into account typical child neurological development; and

(b) Identify indicators and areas of weakness that are highly predictive of future reading difficulty, including phonological awareness, phonemic awareness, rapid naming skills, letter sound knowledge, and family history of difficulty with reading and language acquisition.

(2) Beginning September 1, 2019, the superintendent of public instruction must maintain on the agency's web site the list of screening tools and resources identified under this section and must include links to the tools and resources, when available.

(3) The superintendent of public instruction must review and update the list of screening tools and resources identified under this section as appropriate.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall convene a dyslexia advisory council to advise the superintendent on matters relating to dyslexia in an academic setting. The council must include interested stakeholders including, but not limited to, literacy and dyslexia experts, special education experts, primary school teachers, school administrators, school psychologists, representatives of school boards, and representatives of nonprofit organizations with expertise in dyslexia. Members of the council must serve without compensation.

(2) By June 1, 2019, the council must identify and describe screening tools and resources that satisfy developmental and academic criteria, including considerations of validity and reliability, that indicate typical literacy development or dyslexia, taking into account typical child neurological development, and report this information to the superintendent of public instruction.

(3) By June 1, 2020, the council must develop recommendations and report to the superintendent of public instruction regarding:

(a) Best practices for school district implementation of screenings as required under section 2 of this act, including trainings for school district staff conducting the screenings;

(b) Best practices for using multitiered systems of support to provide interventions as required under section 2 of this act, including trainings for school district staff in instructional methods specifically targeting students' areas of weakness;

(c) Sample educational information for parents and families related to dyslexia that includes a list of resources for parental support; and

(d) Best practices to address the needs of students above grade two who show indications of, or areas of weakness associated with, dyslexia.

(4) By January 15, 2022, the council must review school district implementation of screenings and their use of multitiered systems of support to provide interventions as required under section 2 of this act, and report to the

superintendent of public instruction with updates on its recommendations for the best practices and sample educational information required under subsection (3) of this section.

(5) This section expires August 1, 2023.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) By June 1, 2021, the superintendent of public instruction must review the dyslexia advisory council's recommendations required under section 4 of this act and make available to school districts:

(a) Best practices for school district implementation of screenings as required under section 2 of this act, including trainings for school district staff conducting the screenings;

(b) Best practices for using multitiered systems of support to provide interventions as required under section 2 of this act, including trainings for school district staff in instructional methods specifically targeting students' areas of weakness;

(c) Sample educational information for parents and families related to dyslexia that includes a list of resources for parental support; and

(d) Best practices to address the needs of students above grade two who show indications of, or areas of weakness associated with, dyslexia.

(2) By February 15, 2022, the superintendent of public instruction must review the dyslexia advisory council's updated report required under section 4 of this act and revise the best practices and sample educational information made available to school districts required under subsection (1) of this section.

(3) By November 1, 2022, and in compliance with RCW 43.01.036, the superintendent of public instruction must report to the house of representatives and senate education committees with the following information from the 2021-22 school year:

(a) The number of students: (i) Screened pursuant to section 2 of this act; (ii) with indications of, or areas of weakness associated with, dyslexia identified under section 3 of this act; and (iii) provided interventions pursuant to section 2 of this act;

(b) Descriptions from school districts of the types of interventions used in accordance with section 2 of this act and rates of student progress, when available; and

(c) Descriptions from school districts of the issues districts had related to implementing the provisions of section 2 of this act.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.320 RCW to read as follows:

Beginning with the 2018-19 school year, as part of the annual student assessment inventory, school districts that screen students for indicators of, or areas of weakness associated with, dyslexia must report the number of students and grade levels of the students screened, disaggregated by student subgroups. Each school district must aggregate the school reports and submit the aggregated report to the office of the superintendent of public instruction. The office of the superintendent of public instruction and the dyslexia advisory council convened under section 4 of this act must use this data when developing best practice recommendations in accordance with sections 4 and 5 of this act.

Sec. 7. RCW 28A.165.035 and 2016 c 72 s 803 are each amended to read as follows:

(1) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) Professional development for certificated and classified staff that focuses on:

(i) The needs of a diverse student population;

(ii) Specific literacy and mathematics content and instructional strategies; and

(iii) The use of student work to guide effective instruction and appropriate assistance;

(d) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

(e) Tutoring support for participating students;

(f) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; and

(g) Up to five percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The school board must approve in an open meeting any community-based organization or local agency before learning assistance funds may be expended.

(2) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1, 2015, and update the state menus by each July 1st thereafter.

(3)(a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection (2) of this section or RCW 28A.655.235.

(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection (2) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu,

the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) Beginning in the 2016-17 school year, school districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.

(4) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.

(5) School districts may use learning assistance program allocations to meet the screening and intervention requirements of section 2 of this act, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program. The learning assistance program allocations may also be used for school district staff trainings necessary to implement the provisions of section 2 of this act.

NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction may adopt rules to implement sections 1 through 6 of this act and RCW 28A.165.035.

(2) The rules may include, but are not limited to, the following:

(a) A timeline for school districts and charter schools to implement the screenings required under section 2 of this act;

(b) The frequency of conducting the screenings;

(c) Best practices for identifying screening tools and resources in accordance with section 3 of this act;

(d) Training for school district staff conducting the screenings; and

(e) The members and scope of work for the dyslexia advisory council convened under section 4 of this act.

Sec. 9. RCW 28A.710.040 and 2016 c 241 s 104 are each amended to read as follows:

(1) A charter school must operate according to the terms of its charter contract and the provisions of this chapter.

(2) A charter school must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same extent as school districts, including but not limited to chapter 28A.642 RCW (discrimination prohibition) and chapter 28A.640 RCW (sexual equality);

(b) Provide a program of basic education, that meets the goals in RCW 28A.150.210, including instruction in the essential academic learning requirements, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Comply with the screening and intervention requirements under section 2 of this act;

(d) Employ certificated instructional staff as required in RCW 28A.410.025. Charter schools, however, may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

((~~(d)~~)) (e) Comply with the employee record check requirements in RCW 28A.400.303;

((~~(e)~~)) (f) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

((~~(f)~~)) (g) Comply with the annual performance report under RCW 28A.655.110;

((~~(g)~~)) (h) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130;

((~~(h)~~)) (i) Comply with the open public meetings act in chapter 42.30 RCW and public records requirements in chapter 42.56 RCW; and

((~~(i)~~)) (j) Be subject to and comply with legislation enacted after December 6, 2012, that governs the operation and management of charter schools.

(3) Charter public schools must comply with all state statutes and rules made applicable to the charter school in the school's charter contract, and are subject to the specific state statutes and rules identified in subsection (2) of this section. For the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, charter schools are not subject to, and are exempt from, all other state statutes and rules applicable to school districts and school district boards of directors. Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from all school district policies.

(4) A charter school may not engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided in this chapter.

Passed by the Senate March 6, 2018.
Passed by the House March 1, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 76

[Substitute Senate Bill 6221]

WASHINGTON ACHIEVING A BETTER LIFE EXPERIENCE PROGRAM ACCOUNT

AN ACT Relating to the Washington achieving a better life experience program account; and amending RCW 43.330.460, 43.330.462, and 43.330.464.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.330.460 and 2016 c 39 s 1 are each amended to read as follows:

The definitions in this section apply throughout RCW 43.330.462 through 43.330.468 unless the context clearly indicates otherwise.

(1) "Eligible individual" means an individual eligible for the Washington achieving a better life experience program pursuant to section 529A of the federal internal revenue code of 1986, as amended.

(2) "Governing board" means the Washington achieving a better life experience program governing board in RCW 43.330.466.

(3) "Individual Washington achieving a better life experience program account" means an account established by or for an eligible individual and owned by the eligible individual pursuant to the Washington achieving a better life experience program. Any moneys placed in these accounts or achieving a better life experience program accounts established in other states shall not be counted as assets for purposes of state or local means tested program eligibility or levels of state means tested program eligibility.

(4) "Washington achieving a better life experience program" means a savings or investment program that establishes individual Washington achieving a better life experience program accounts pursuant to section 529A of the federal internal revenue code of 1986, as amended.

(5) "Washington achieving a better life experience program account" means the account created in RCW 43.330.462(1), to be used only for purposes of Washington achieving a better life experience program administration and operation.

Sec. 2. RCW 43.330.462 and 2016 c 39 s 2 are each amended to read as follows:

(1) The Washington achieving a better life experience program account is created in the custody of the state treasurer. Expenditures from the account may be used only for the purposes of administrative and operating expenses of the Washington achieving a better life experience program established under this chapter, except for expenses of the state investment board and the state treasurer as specified in this section. ((~~The account must be a discrete nontreasury account retaining its interest earnings in accordance with RCW 43.79A.040.~~))

(2) The account must be self-sustaining ((~~and consist of~~)), include payments received from contributors to individual Washington achieving a better life experience program accounts((~~. All payments contributed to the Washington achieving a better life experience program are~~)), held in trust, and ((~~must be deposited in the account. With the exception of investment and operating costs associated with the investment of money paid under RCW 43.08.190, 43.33A.160, and 43.84.160, the account~~)) must be credited with ((~~all investment~~)) income earned by the account, and contributions to individual Washington achieving a better life experience program accounts may be invested in self-directed investment options. All self-directed investment options must comply with section 529A of the federal internal revenue code of 1986, as amended. Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. An appropriation is not required for expenditures.

(3) The assets of the account may be spent without appropriation for the purpose of making payments to individual Washington achieving a better life experience program account holders. Only the Washington achieving a better life experience governing board or the board's designee may authorize expenditures from the account.

(4) With regard to the assets of the account, the state acts in a fiduciary, not ownership, capacity. Therefore, the assets of the account are not considered state money, common cash, or revenue to the state.

Sec. 3. RCW 43.330.464 and 2016 c 39 s 3 are each amended to read as follows:

(1) The governing board may elect to have the state investment board or investment manager invest the money in the Washington achieving a better life experience program account. If the governing board so elects, the state investment board created in RCW 43.33A.020 or the investment manager has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the Washington achieving a better life experience program account. All investment and operating costs associated with the investment of money by the state investment board must be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money must be retained by the account.

(2)(a) After consultation with the governing board, the state investment board or investment manager may elect to invest any self-directed accounts associated with the Washington achieving a better life experience program. The state investment board or investment manager has full authority to invest all self-directed investment moneys in accordance with this section and RCW 43.84.150. In carrying out this authority the state investment board or investment manager, after consultation with the governing board regarding any recommendations, shall provide a set of options for eligible individuals to choose from for self-directed investment. Any self-directed investment options provided must comply with section 529A of the federal internal revenue code of 1986, as amended.

(b) All investment and operating costs of the state investment board or investment manager associated with making self-directed investments must be paid by eligible individuals and recovered under procedures agreed to by the governing board and the state investment board ((~~pursuant to~~)) or investment manager consistent with the principles set forth in RCW 43.33A.160. All other expenses caused by self-directed investments must be paid by the eligible individual in accordance with rules established by the governing board. With the exception of these expenses, all earnings from self-directed investments shall accrue to the eligible individual's Washington achieving a better life experience program account.

(c)(i) The governing board shall keep or cause to be kept full and adequate accounts and records of each eligible individual Washington achieving a better life experience program account.

(ii) The governing board shall account for and report on the investment of self-directed assets or may enter into an agreement with the ((~~state investment board~~)) recordkeepers for such accounting and reporting under this chapter.

(iii) The governing board's duties related to eligible individual Washington achieving a better life experience program accounts include conducting or causing to be conducted, the activities of trade instruction, settlement activities, and direction of cash movement and related wire transfers with the custodian bank and outside investment firms.

(iv) The governing board has sole responsibility for contracting with any recordkeepers for individual Washington achieving a better life experience

program accounts and shall manage the performance of recordkeepers under those contracts.

(v) The ((~~state investment~~)) governing board has sole responsibility for contracting with outside investment firms to provide investment management for the individual Washington achieving a better life experience program accounts and shall manage the performance of investment managers under those contracts.

(((~~vi) The department has sole responsibility for contracting with any recordkeepers for individual participant accounts and shall manage the performance of recordkeepers under those contracts.~~)))

(d) The ((~~state treasurer~~)) governing board shall designate and define the terms of engagement for the custodial banks under authority that the state treasurer shall delegate pursuant to RCW 43.08.015 with the concurrence of the office of financial management.

(3) All investments made by the state investment board must be made with the exercise of that degree of judgment and care pursuant to RCW 43.33A.140 and the investment policy established by the state investment board.

(4) As deemed appropriate by the state investment board, money in the account may be commingled for investment with other funds subject to investment by the state investment board.

(5) The authority to establish all policies relating to the account((~~, other than the investment policies,~~)) resides with the governing board acting to implement, design, and manage the Washington achieving a better life experience savings program that allows eligible individuals to create and maintain savings accounts. The moneys in the account may be spent only for the purposes of the Washington achieving a better life experience program.

(6) The ((~~state investment board~~)) investment manager shall routinely consult and communicate with the governing board on the investment policy, earnings of the account, and related needs of the program.

Passed by the Senate February 7, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 77

[Substitute Senate Bill 6309]

FAMILY ASSESSMENT RESPONSE--TIMELINE

AN ACT Relating to extending the timeline for completing a family assessment response; reenacting and amending RCW 26.44.030; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 26.44.030 and 2017 3rd sp.s. c 20 s 24 and 2017 3rd sp.s. c 6 s 322 are each reenacted and amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of children, youth, and families, licensed or certified child care providers or their employees, employee of the department of social and health services, juvenile

probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, state family and children's ombuds or any volunteer in the ombuds's office, or host home program has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Organization" includes a sole proprietor, partnership, corporation, limited liability company, trust, association, financial institution, governmental entity, other than the federal government, and any other individual or group engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

(iii) "Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

(iv) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this

subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11 and 13 RCW and this title, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education.

(g) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency, including military law enforcement, if appropriate. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement

agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response:

(i) Investigation; or

(ii) Family assessment.

(b) In making the response in (a) of this subsection the department shall:

(i) Use a method by which to assign cases to investigation or family assessment which are based on an array of factors that may include the presence of: Imminent danger, level of risk, number of previous child abuse or neglect reports, or other presenting case characteristics, such as the type of alleged maltreatment and the age of the alleged victim. Age of the alleged victim shall not be used as the sole criterion for determining case assignment;

(ii) Allow for a change in response assignment based on new information that alters risk or safety level;

(iii) Allow families assigned to family assessment to choose to receive an investigation rather than a family assessment;

(iv) Provide a full investigation if a family refuses the initial family assessment;

(v) Provide voluntary services to families based on the results of the initial family assessment. If a family refuses voluntary services, and the department cannot identify specific facts related to risk or safety that warrant assignment to investigation under this chapter, and there is not a history of reports of child abuse or neglect related to the family, then the department must close the family assessment response case. However, if at any time the department identifies risk or safety factors that warrant an investigation under this chapter, then the family assessment response case must be reassigned to investigation;

(vi) Conduct an investigation, and not a family assessment, in response to an allegation that, the department determines based on the intake assessment:

(A) Poses a risk of "imminent harm" consistent with the definition provided in RCW 13.34.050, which includes, but is not limited to, sexual abuse and sexual exploitation as defined in this chapter;

(B) Poses a serious threat of substantial harm to a child;

(C) Constitutes conduct involving a criminal offense that has, or is about to occur, in which the child is the victim;

(D) The child is an abandoned child as defined in RCW 13.34.030;

(E) The child is an adjudicated dependent child as defined in RCW 13.34.030, or the child is in a facility that is licensed, operated, or certified for care of children by the department under chapter 74.15 RCW.

(c) The department may not be held civilly liable for the decision to respond to an allegation of child abuse or neglect by using the family assessment response under this section unless the state or its officers, agents, or employees acted with reckless disregard.

(12)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(13) For reports of alleged abuse or neglect that are responded to through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedure for assessment of the child and the family and its purposes;

(b) Collaborate with the family to identify family strengths, resources, and service needs, and develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being;

(c) Complete the family assessment response within forty-five days of receiving the report; however, upon parental agreement, the family assessment response period may be extended up to ((~~ninety~~)) one hundred twenty days. The department's extension of the family assessment response period must be operated within the department's appropriations;

(d) Offer services to the family in a manner that makes it clear that acceptance of the services is voluntary;

(e) Implement the family assessment response in a consistent and cooperative manner;

(f) Have the parent or guardian agree to participate in services before services are initiated. The department shall inform the parents of their rights under family assessment response, all of their options, and the options the department has if the parents do not agree to participate in services.

(14)(a) In conducting an investigation or family assessment of alleged abuse or neglect, the department or law enforcement agency:

(i) May interview children. If the department determines that the response to the allegation will be family assessment response, the preferred practice is to request a parent's, guardian's, or custodian's permission to interview the child before conducting the child interview unless doing so would compromise the safety of the child or the integrity of the assessment. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. If the allegation is investigated, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(ii) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(b) The Washington state school directors' association shall adopt a model policy addressing protocols when an interview, as authorized by this subsection, is conducted on school premises. In formulating its policy, the association shall

consult with the department and the Washington association of sheriffs and police chiefs.

(15) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombuds of the contents of the report. The department shall also notify the ombuds of the disposition of the report.

(16) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(17)(a) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(b) In the family assessment response, the department shall not make a finding as to whether child abuse or neglect occurred. No one shall be named as a perpetrator and no investigative finding shall be entered in the department's child abuse or neglect database.

(18) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor.

(19) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(20) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

(21) The department shall make efforts as soon as practicable to determine the military status of parents whose children are subject to abuse or neglect allegations. If the department determines that a parent or guardian is in the military, the department shall notify a department of defense family advocacy program that there is an allegation of abuse and neglect that is screened in and open for investigation that relates to that military parent or guardian.

(22) The department shall make available on its public web site a downloadable and printable poster that includes the reporting requirements included in this section. The poster must be no smaller than eight and one-half by eleven inches with all information on one side. The poster must be made available in both the English and Spanish languages. Organizations that include employees or volunteers subject to the reporting requirements of this section must clearly display this poster in a common area. At a minimum, this poster must include the following:

(a) Who is required to report child abuse and neglect;

(b) The standard of knowledge to justify a report;

(c) The definition of reportable crimes;

(d) Where to report suspected child abuse and neglect; and

(e) What should be included in a report and the appropriate timing.

NEW SECTION. **Sec. 2.** This act takes effect July 1, 2018.

Passed by the Senate February 12, 2018.
Passed by the House February 28, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 78

[Senate Bill 6371]

HOUSING FINANCE COMMISSION--DEBT LIMIT--ELIGIBLE ORGANIZATIONS

AN ACT Relating to facilities financing by the housing finance commission; and amending RCW 43.180.160 and 43.180.300.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.180.160 and 2010 1st sp.s. c 6 s 2 are each amended to read as follows:

(1) The total amount of outstanding indebtedness of the commission may not exceed ((~~six~~)) eight billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise.

(2)(a) The Washington works housing program is created to increase opportunities for nonprofit organizations and public agencies to purchase, acquire, build, and own real property to be used for affordable housing for low and moderate-income households. The Washington works housing program is intended to provide access to new funding mechanisms and build long-term community equity by increasing the stock of permanently affordable housing owned by nonprofit organizations and public agencies.

(b) The Washington works housing program is intended to provide these opportunities for public agencies and nonprofit organizations, including those materially participating as a managing member or general partner of a partnership, limited liability company, or equivalent organization, through the issuance of tax exempt or taxable revenue bonds issued by the commission in conjunction with a subsidy necessary to make bond issues to finance affordable housing properties financially feasible. The program is intended to provide financing for affordable housing that will meet the following income and rent restrictions during the period of initial bond indebtedness and thereafter:

(c) During the period of initial bond indebtedness under the program, the owner of the property must meet one of the following requirements: A minimum of twenty percent of the units will be occupied by households earning less than fifty percent of area median income and an additional thirty-one percent of the units will be occupied by persons earning less than eighty percent of area median income; or forty percent of the units will be occupied by households earning less than sixty percent of area median income and an additional eleven percent of the units will be occupied by households earning less than eighty percent of area median income.

(d) After the initial bond indebtedness is retired, the rents charged for units in the project will be adjusted to be sufficient to pay reasonable operation and maintenance expenses, including necessary capital needs, and to make reasonable deposits into a reserve account with the intent of providing affordable housing to very low or low-income households for the remaining useful life of the property. The reasonableness of the rent levels must be periodically approved by the commission based on information provided by the owner of the property about income, expenses, and necessary reserve levels. The determination of the commission regarding the reasonableness of the rent levels will be final.

(e) The commission will enter into a recorded regulatory agreement with the borrower at the time of the issuance of bonds under the program for the purpose of ensuring that the property will meet the income and rent restrictions established in this section. The commission may charge such compliance fees as necessary to ensure enforcement of the income and rent restrictions during the useful life of the property.

(3) One billion dollars of the outstanding indebtedness of the commission is for the primary purpose of implementing the Washington works housing program.

(4) If no subsidies are available to make the program in subsection (2) of this section feasible, then the commission may pass a resolution stating these facts and authorize the use of a portion of the one billion dollars of indebtedness intended for the program to support its other bond programs until such time as the one billion dollars is exhausted or subsidies are available to make the program feasible.

Sec. 2. RCW 43.180.300 and 1997 c 44 s 1 are each amended to read as follows:

As used in RCW 43.180.310 through 43.180.360, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Construction" or "construct" means construction and acquisition, whether by device, purchase, gift, lease, or otherwise.

(2) "Facilities" means land, rights in land, buildings, structures, equipment, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities.

(3) "Financing document" means a lease, sublease, installment sale agreement, conditional sale agreement, loan agreement, mortgage, deed of trust guaranty agreement, or other agreement for the purpose of providing funds to pay or secure debt service on revenue bonds.

(4) "Improvement" means reconstruction, remodeling, rehabilitation, extension, and enlargement. "To improve" means to reconstruct, to remodel, to rehabilitate, to extend, and to enlarge.

(5) "Nonprofit corporation" means a nonprofit organization described under section 501(c)(3) of the Internal Revenue Code, or similar successor provisions, any public development authority, or any organization identified in RCW 43.185A.040.

(6) "Nonprofit facilities" means facilities owned or used by a nonprofit corporation for any nonprofit activity described under section 501(c)(3) of the Internal Revenue Code that qualifies such a corporation for an exemption from federal income taxes under section 501(a) of the Internal Revenue Code, or similar successor provisions provided that facilities which may be funded

pursuant to chapter 28B.07, 35.82, ((~~43.180,~~)) or 70.37 RCW shall not be included in this definition.

(7) "Project costs" means costs of (a) acquisition, construction, and improvement of any facilities included in a nonprofit facility; (b) architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, and construction of a nonprofit facility, including costs of studies assessing the feasibility of a nonprofit facility; (c) finance costs, including discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any trust agreement; (d) interest during construction and during the six months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves; (e) the refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and (f) other costs incidental to any of the costs listed in this section.

(8) "Revenue bond" means a taxable or tax-exempt nonrecourse revenue bond, nonrecourse revenue note, or other nonrecourse revenue obligation issued for the purpose of providing financing to a nonprofit corporation on an interim or permanent basis.

(9) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and may include a party who transfers the right of use and occupancy to another party by lease, sublease, or otherwise.

Passed by the Senate February 9, 2018.
Passed by the House February 28, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 79

[Substitute Senate Bill 6438]

VEHICLE SERVICE TRANSACTIONS--SERVICE FEE COLLECTION

AN ACT Relating to clarifying the collection process for existing vehicle service transactions; amending RCW 46.17.040; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 46.17.040 and 2014 c 59 s 2 are each amended to read as follows:

(1) The department, county auditor or other agent, or subagent appointed by the director shall collect a service fee of:

(a) Twelve dollars for changes in a certificate of title((~~, with or without registration renewal,~~)) or for verification of record and preparation of an affidavit of lost title other than at the time of the certificate of title application or transfer, in addition to any other fees or taxes due at the time of application; and

(b) Five dollars for a registration renewal, issuing a transit permit, or any other service under this section, in addition to any other fees or taxes due at the time of application.

(2) Service fees collected under this section by the department or county auditor or other agent appointed by the director must be credited to the capital vessel replacement account under RCW 47.60.322.

NEW SECTION. **Sec. 2.** This act takes effect April 1, 2019.

Passed by the Senate February 13, 2018.
Passed by the House March 1, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 80

[Second Substitute Senate Bill 6453]
KINSHIP CAREGIVERS--LEGAL REPRESENTATION

AN ACT Relating to legal support for kinship caregivers; and reenacting and amending RCW 74.13.031.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 74.13.031 and 2017 3rd sp.s. c 20 s 7 and 2017 c 265 s 2 are each reenacted and amended to read as follows:

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) As provided in RCW 26.44.030(11), the department may respond to a report of child abuse or neglect by using the family assessment response.

(5) The department or supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(6) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety,

well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department and the supervising agencies shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department and supervising agencies are encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department or supervising agencies shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(7) The department and supervising agencies shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(8) The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(9) The department and supervising agency shall have authority to purchase care for children.

(10) The department shall establish a children's services advisory committee with sufficient members representing supervising agencies which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(11)(a) The department and supervising agencies shall provide continued extended foster care services to nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program;

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program;

(iii) Participating in a program or activity designed to promote employment or remove barriers to employment;

(iv) Engaged in employment for eighty hours or more per month; or

(v) Not able to engage in any of the activities described in (a)(i) through (iv) of this subsection due to a documented medical condition.

(b) To be eligible for extended foster care services, the nonminor dependent must have been dependent and in foster care at the time that he or she reached age eighteen years. If the dependency case of the nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she may receive extended foster care services pursuant to a voluntary placement agreement under RCW 74.13.336 or pursuant to an order of dependency issued by the court under RCW 13.34.268. A nonminor dependent whose dependency case was dismissed by the court must have requested extended foster care services before reaching age nineteen years. Eligible nonminor dependents may unenroll and reenroll in extended foster care through a voluntary placement agreement once between ages eighteen and twenty-one.

(c) The department shall develop and implement rules regarding youth eligibility requirements.

(d) The department shall make efforts to ensure that extended foster care services maximize medicaid reimbursements. This must include the department ensuring that health and mental health extended foster care providers participate in medicaid, unless the condition of the extended foster care youth requires specialty care that is not available among participating medicaid providers or there are no participating medicaid providers in the area. The department shall coordinate other services to maximize federal resources and the most cost-efficient delivery of services to extended foster care youth.

(e) The department shall allow a youth who has received extended foster care services, but lost his or her eligibility, to reenter the extended foster care program once through a voluntary placement agreement when he or she meets the eligibility criteria again.

(12) The department shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (11) of this section.

(13) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(14) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order. The purchase of such care is exempt from the requirements of chapter 74.13B RCW and may be purchased from the federally recognized Indian tribe or tribally licensed child-placing agency, and shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section all services to be provided by the department under subsections (4), (7), and (8) of

this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(15) Within amounts appropriated for this specific purpose, the supervising agency or department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(16) The department and supervising agencies shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(17) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(18)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

(19)(a) The department shall have the authority to purchase legal representation for parents or kinship caregivers, or both, of children who are at risk of being dependent, or who are dependent, to establish or modify a parenting plan under RCW 13.34.155 or chapter 26.09 or 26.26 RCW or secure orders establishing other relevant civil legal relationships authorized by law, when it is necessary for the child's safety, permanence, or well-being. The department's purchase of legal representation for kinship caregivers must be within the department's appropriations. This subsection does not create an entitlement to legal representation purchased by the department and does not create judicial authority to order the department to purchase legal representation for a parent or kinship caregiver. Such determinations are solely within the department's discretion. The term "kinship caregiver" as used in this section means a caregiver who meets the definition of "kin" in RCW 74.13.600(1), unless the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C.

Sec. 1903. For an Indian child as defined in RCW 13.38.040 and 25 U.S.C. Sec. 1903, the term "kinship caregiver" as used in this section means a caregiver who is an "extended family member" as defined in RCW 13.38.040(8).

(b) The department is encouraged to work with the office of public defense parent representation program and the office of civil legal aid to develop a cost-effective system for providing effective civil legal representation for parents and kinship caregivers if it exercises its authority under this subsection.

Passed by the Senate February 13, 2018.
Passed by the House March 1, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 81

[Substitute Senate Bill 6475]

REGIONAL TRANSIT AUTHORITY PROPERTY TAXES--WHOLE PARCEL

AN ACT Relating to regional transit authority property taxes imposed on less than a whole parcel; amending RCW 81.104.175; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 81.104.175 and 2015 3rd sp.s. c 44 s 321 are each amended to read as follows:

(1) A regional transit authority that includes a county with a population of more than one million five hundred thousand may impose a regular property tax levy in an amount not to exceed twenty-five cents per thousand dollars of the assessed value of property in the regional transit authority district in accordance with the terms of this section.

(2) Any tax imposed under this section must be used for the purpose of providing high capacity transportation service, as set forth in a proposition that is approved by a majority of the registered voters that vote on the proposition.

(3) Property taxes imposed under this section may be imposed for the period of time required to pay the cost to plan, design, construct, operate, and maintain the transit facilities set forth in the approved proposition. Property taxes pledged to repay bonds may be imposed at the pledged amount until the bonds are retired. After the bonds are retired, property taxes authorized under this section must be:

(a) Reduced to the level required to operate and maintain the regional transit authority's transit facilities; or

(b) Terminated, unless the taxes have been extended by public vote.

(4) The limitations in RCW 84.52.043 do not apply to the tax authorized in this section.

(5) The limitation in RCW 84.55.010 does not apply to the first levy imposed under this section.

(6) If a regional transit authority imposes the tax authorized under subsection (1) of this section, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess.

(7) Property taxes imposed under this section may not be imposed on less than a whole parcel.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the Senate February 10, 2018.
Passed by the House March 2, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 82

[Engrossed Substitute Senate Bill 6550]
JUVENILE OFFENSES--DIVERSION

AN ACT Relating to diversion of juvenile offenses; amending RCW 13.40.070, 13.40.020, 13.40.080, and 13.50.270; reenacting and amending RCW 13.40.020; providing an effective date; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 13.40.070 and 2017 c 292 s 2 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsection((~~s~~)) (1)(a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (8) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) ((~~Except as provided in RCW 13.40.213 and subsection (7) of this section, where a case is legally sufficient,~~)) The prosecutor shall file an information with the juvenile court if((~~:~~

~~(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, a class C felony listed in RCW 9.94A.411(2) as a crime against persons or listed in RCW 9A.46.060 as a crime of harassment, or a class C felony that is a violation of RCW 9.41.080 or 9.41.040(2)(a)(iv); or~~

~~(b) An alleged offender is accused of a felony and has a criminal history of any felony, or at least two gross misdemeanors, or at least two misdemeanors; or~~

~~(c) An alleged offender has previously been committed to the department; or~~

~~(d)~~)) (a) an alleged offender is accused of an offense that is defined as a sex offense or violent offense under RCW 9.94A.030, other than assault in the second degree or robbery in the second degree; or (b) an alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion((~~; or~~

~~(e) An alleged offender has three or more diversion agreements on the alleged offender's criminal history; or~~

~~(f) A special allegation has been filed that the offender or an accomplice was armed with a firearm when the offense was committed~~)).

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that ((~~must or~~)) may be filed under subsections (5) and (8) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient to charge an alleged offender with:

(a) Either prostitution or prostitution loitering and the alleged offense is the offender's first prostitution or prostitution loitering offense, the prosecutor shall divert the case; or

(b) Voyeurism in the second degree, the offender is under seventeen years of age, and the alleged offense is the offender's first voyeurism in the second degree offense, the prosecutor shall divert the case, unless the offender has received two diversions for any offense in the previous two years.

(8) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor ((~~shall~~)) may be guided ((~~only~~)) by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(9) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversion interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversion unit, the victim shall be notified of the referral and informed how to contact the unit.

(10) The responsibilities of the prosecutor under subsections (1) through (9) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

(11) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to community-based programs, restorative justice programs, mediation, or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

(12) Prosecutors and juvenile courts are encouraged to engage with and partner with community-based programs to expand, improve, and increase options to divert youth from formal processing in juvenile court. Nothing in this chapter should be read to limit partnership with community-based programs to create diversion opportunities for juveniles.

Sec. 2. RCW 13.40.020 and 2016 c 136 s 2 and 2016 c 106 s 1 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) "Assessment" means an individualized examination of a child to determine the child's psychosocial needs and problems, including the type and extent of any mental health, substance abuse, or co-occurring mental health and substance abuse disorders, and recommendations for treatment. "Assessment" includes, but is not limited to, drug and alcohol evaluations, psychological and psychiatric evaluations, records review, clinical interview, and administration of a formal test or instrument;

(2) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services including, when appropriate, restorative justice programs; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(3) "Community-based sanctions" may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community restitution not to exceed one hundred fifty hours of community restitution;

(4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(e) Residential treatment, where substance abuse, mental health, and/or co-occurring disorders have been identified in an assessment by a qualified mental health professional, psychologist, psychiatrist, or chemical dependency professional and a funded bed is available. If a child agrees to voluntary placement in a state-funded long-term evaluation and treatment facility, the case must follow the existing placement procedure including consideration of less restrictive treatment options and medical necessity.

(i) A court may order residential treatment after consideration and findings regarding whether:

(A) The referral is necessary to rehabilitate the child;

(B) The referral is necessary to protect the public or the child;

(C) The referral is in the child's best interest;

(D) The child has been given the opportunity to engage in less restrictive treatment and has been unable or unwilling to comply; and

(E) Inpatient treatment is the least restrictive action consistent with the child's needs and circumstances.

(ii) In any case where a court orders a child to inpatient treatment under this section, the court must hold a review hearing no later than sixty days after the youth begins inpatient treatment, and every thirty days thereafter, as long as the youth is in inpatient treatment;

(6) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(7) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(8) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(9) "Department" means the department of social and health services;

(10) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(11) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity ((~~except a law enforcement official or entity,~~)) with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(12) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(14) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(15) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(16) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(17) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;

(18) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) $0-$500 fine;

(19) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(20) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation

officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(21) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(22) "Physical restraint" means the use of any bodily force or physical intervention to control a juvenile offender or limit a juvenile offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or

(c) Guide a juvenile offender from one location to another;

(23) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic;

(24) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(25) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(26) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(27) "Restorative justice" means practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members;

(28) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons;

(29) "Screening" means a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention, or more comprehensive assessment. A screening may be undertaken with or without the administration of a formal instrument;

(30) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(31) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(32) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(33) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(34) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(35) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location;

(36) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(37) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(38) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 3. RCW 13.40.020 and 2017 3rd sp.s. c 6 s 605 are each amended to read as follows:

For the purposes of this chapter:

(1) "Assessment" means an individualized examination of a child to determine the child's psychosocial needs and problems, including the type and extent of any mental health, substance abuse, or co-occurring mental health and substance abuse disorders, and recommendations for treatment. "Assessment" includes, but is not limited to, drug and alcohol evaluations, psychological and psychiatric evaluations, records review, clinical interview, and administration of a formal test or instrument;

(2) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health

programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services including, when appropriate, restorative justice programs; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(3) "Community-based sanctions" may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community restitution not to exceed one hundred fifty hours of community restitution;

(4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(e) Residential treatment, where substance abuse, mental health, and/or co-occurring disorders have been identified in an assessment by a qualified mental health professional, psychologist, psychiatrist, or chemical dependency professional and a funded bed is available. If a child agrees to voluntary placement in a state-funded long-term evaluation and treatment facility, the case must follow the existing placement procedure including consideration of less restrictive treatment options and medical necessity.

(i) A court may order residential treatment after consideration and findings regarding whether:

(A) The referral is necessary to rehabilitate the child;

(B) The referral is necessary to protect the public or the child;

(C) The referral is in the child's best interest;

(D) The child has been given the opportunity to engage in less restrictive treatment and has been unable or unwilling to comply; and

(E) Inpatient treatment is the least restrictive action consistent with the child's needs and circumstances.

(ii) In any case where a court orders a child to inpatient treatment under this section, the court must hold a review hearing no later than sixty days after the

youth begins inpatient treatment, and every thirty days thereafter, as long as the youth is in inpatient treatment;

(6) "Confinement" means physical custody by the department of children, youth, and families in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(7) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(8) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(9) "Department" means the department of children, youth, and families;

(10) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(11) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity ((~~except a law enforcement official or entity,~~)) with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(12) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(14) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(15) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(16) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(17) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;

(18) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) $0-$500 fine;

(19) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(20) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(21) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(22) "Physical restraint" means the use of any bodily force or physical intervention to control a juvenile offender or limit a juvenile offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or

(c) Guide a juvenile offender from one location to another;

(23) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic;

(24) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(25) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(26) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(27) "Restorative justice" means practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members;

(28) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons;

(29) "Screening" means a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention, or more comprehensive assessment. A screening may be undertaken with or without the administration of a formal instrument;

(30) "Secretary" means the secretary of the department;

(31) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(32) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(33) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(34) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(35) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location;

(36) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(37) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(38) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 4. RCW 13.40.080 and 2015 c 265 s 25 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversion unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community restitution not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by any victim, excluding restitution owed to any insurance provider under Title 48 RCW;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of positive youth development, educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. If an assessment identifies mental health or chemical dependency needs, a youth may access up to thirty hours of counseling. The counseling sessions may include services demonstrated to improve behavioral health and reduce recidivism. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, a physician, a counselor, a school, or a treatment provider, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversion unit exercising the option to permit diversion agreements to mandate attendance at up to thirty hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas; and

(e) Upon request of any victim or witness, requirements to refrain from any contact with victims or witnesses of offenses committed by the juvenile.

(3) Notwithstanding the provisions of subsection (2) of this section, youth courts are not limited to the conditions imposed by subsection (2) of this section in imposing sanctions on juveniles pursuant to RCW 13.40.630.

(4) In assessing periods of community restitution to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian. To the extent possible, the court officer shall advise the victims of the juvenile offender of the diversion process, offer victim impact letter forms and restitution claim forms, and involve members of the community. Such members of the community ((~~shall~~)) may meet with the juvenile and may advise the court officer as to the terms of the diversion agreement and ((~~shall~~)) may supervise the juvenile in carrying out its terms.

(5)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertee.

(b) If additional time is necessary for the juvenile to complete restitution to a victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of a civil order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (5)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may relieve the juvenile of the requirement to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. If the court relieves the juvenile of the requirement to pay full or partial restitution, the court may order an amount of community restitution that the court deems appropriate. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

(6) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(7) Divertees and potential divertees shall be afforded due process in all contacts with a diversion unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement;

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

(8) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(9) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(10) The diversion unit may refer a juvenile to a restorative justice program, community-based counseling, or treatment programs.

(11) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(8). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversion unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(12) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

(a) The fact that a charge or charges were made;

(b) The fact that a diversion agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the alleged offender performed his or her obligations under such agreement; and

(e) The facts of the alleged offense.

(13) A diversion unit may refuse to enter into a diversion agreement with a juvenile. When a diversion unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its

reasons for refusing to enter into a diversion agreement. The diversion unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(14) A diversion unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection includes the authority to refer the juvenile to community-based counseling or treatment programs or a restorative justice program. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(8). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversion unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(15) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

(16) If restitution required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert unpaid restitution into community restitution. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community restitution in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

Sec. 5. RCW 13.50.270 and 2014 c 175 s 5 are each amended to read as follows:

(1)(a) Subject to RCW 13.50.050(13), all records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within ninety days of becoming eligible for destruction. Juvenile records are eligible for destruction when:

(i) The person who is the subject of the information or complaint is at least eighteen years of age;

(ii) The ((~~person's criminal history consists entirely of one diversion agreement or counsel and release entered on or after June 12, 2008~~)) records in question consist of successfully completed diversion agreements and counsel and release agreements, or both, which were completed on or after the effective date of this section; and

(iii) ((~~Two years have elapsed since completion of the agreement or counsel and release;~~

~~(iv) No proceeding is pending against the person seeking the conviction of a criminal offense; and~~

~~(v)~~)) There is no restitution owing in the case.

(b) Notwithstanding this subsection (1), records of successfully completed diversion agreements and counsel and release agreements remain subject to destruction under the terms set forth in subsections (2) through (4) of this section, as well as sealing under RCW 13.50.260.

(c) No less than quarterly, the administrative office of the courts shall provide a report to the juvenile courts of those individuals whose records may be eligible for destruction. The juvenile court shall verify eligibility and notify the Washington state patrol and the appropriate local law enforcement agency and prosecutor's office of the records to be destroyed. The requirement to destroy records under this subsection is not dependent on a court hearing or the issuance of a court order to destroy records.

((~~(c)~~)) (d) The state and local governments and their officers and employees are not liable for civil damages for the failure to destroy records pursuant to this section.

(2) All records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within thirty days of being notified by the governor's office that the subject of those records received a full and unconditional pardon by the governor.

(3)(a) A person may request that the court order the records in his or her case destroyed as follows:

(i) A person eighteen years of age or older whose criminal history consists entirely of one diversion agreement or counsel and release entered prior to June 12, 2008. The request shall be granted if the court finds that two years have elapsed since completion of the agreement or counsel and release.

(ii) A person twenty-three years of age or older whose criminal history consists of only referrals for diversion. The request shall be granted if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense.

(b) If the court grants the motion to destroy records made pursuant to this subsection, it shall, subject to RCW 13.50.050(13), order the official juvenile court record, the social file, and any other records named in the order to be destroyed.

(c) The person making the motion pursuant to this subsection must give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(4) Any juvenile justice or care agency may, subject to the limitations in RCW 13.50.050(13) and this section, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older or pursuant to subsection (1) of this section.

(b) The court may not routinely destroy the official juvenile court record or recordings or transcripts of any proceedings.

NEW SECTION. **Sec. 6.** Section 2 of this act expires July 1, 2019.

NEW SECTION. **Sec. 7.** Section 3 of this act takes effect July 1, 2019.

Passed by the Senate February 12, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 83

[Senate Bill 6582]

CRIMINAL HISTORY--HIGHER EDUCATION APPLICANTS

AN ACT Relating to the criminal history of applicants to institutions of higher education; and adding a new chapter to Title 28B RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admissions application" means an individual application to enroll as an undergraduate or graduate student at an institution of higher education.

(2) "Criminal record" or "criminal history" includes any record about a citation or arrest for criminal conduct, including any records relating to probable cause to arrest, and includes any record about a criminal or juvenile case filed with any court, whether or not the case resulted in a finding of guilt.

(3) "Institutions of higher education" means the state universities, the regional universities, The Evergreen State College, the community colleges, and the technical colleges that receive state funds.

(4) "Third-party admissions application" means an admissions application not controlled by the institution.

NEW SECTION. **Sec. 2.** (1) Except as provided in subsection (2) of this section, an institution of higher education may not use an initial admissions application that requests information about the criminal history of the applicant.

(2) An institution of higher education may, but is not required to, use a third-party admissions application that contains information about the criminal history of the applicant if the institution of higher education posts a notice on its web site stating that the institution of higher education may not automatically or unreasonably deny an applicant's admission or restrict access to campus residency based on an applicant's criminal history.

NEW SECTION. **Sec. 3.** (1) After an applicant has otherwise been determined to be qualified for admission, an institution of higher education may, but is not required to, inquire into or obtain information about an applicant's criminal history for the purpose of:

(a) Accepting or denying an applicant for admission to the institution of higher education or restricting access to campus residency; or

(b) Offering supportive counseling or services to help rehabilitate and educate the student on barriers a criminal record may present.

(2) After inquiring into or obtaining information under this section, an institution of higher education may not automatically or unreasonably deny an applicant's admission or restrict access to campus residency based on that applicant's criminal history.

NEW SECTION. **Sec. 4.** (1) Each institution of higher education shall develop a process to determine whether or not there is a relationship between an applicant's criminal history and a specific academic program or campus residency to justify denial of admission or restrict access to campus residency.

(2) The process developed under this section shall be set forth in writing and shall include consideration of:

(a) The age of the applicant at the time any aspect of the applicant's criminal history occurred;

(b) The time that has elapsed since any aspect of the applicant's criminal history occurred;

(c) The nature of the criminal history, including but not limited to whether the applicant was convicted of a "serious violent offense" or a "sex offense" as those terms are defined in RCW 9.94A.030; and

(d) Evidence of rehabilitation or good conduct produced by the applicant.

NEW SECTION. **Sec. 5.** This act may be known and cited as the Washington fair chance to education act.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute a new chapter in Title 28B RCW.

Passed by the Senate March 3, 2018.
Passed by the House March 1, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 84

[Senate Bill 5213]

LIMITED LICENSE LEGAL TECHNICIANS--DOMESTIC VIOLENCE CASES--AWARD OF FEES

AN ACT Relating to the award of fees for limited license legal technicians in certain domestic violence cases; and amending RCW 26.50.060.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 26.50.060 and 2010 c 274 s 304 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties.

However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

(e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

(f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

(g) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with the state supreme court's admission to practice rule 28, the limited practice rule for limited license legal technicians;

(h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

(i) Restrain the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

(j) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(k) Consider the provisions of RCW 9.41.800;

(l) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent and may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found; and

(m) Order use of a vehicle.

(2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order

expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 or 26.26 RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(g) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Passed by the Senate February 9, 2018.

Passed by the House February 28, 2018.

Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 85

[Engrossed Second Substitute House Bill 1570]

HOMELESS HOUSING AND ASSISTANCE--DOCUMENT RECORDING SURCHARGE

AN ACT Relating to expanding access to homeless housing and assistance; amending RCW 36.22.179, 43.185C.030, 43.185C.040, 43.185C.050, 43.185C.060, 43.185C.160, 43.185C.010, and 43.185C.240; adding a new section to chapter 43.185C RCW; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature recognizes that all of the people of the state should have the opportunity to live in a safe, healthy, and affordable home. The legislature further recognizes that homelessness in Washington is unacceptable and that action needs to be taken to protect vulnerable households including families with children, youth and young adults, veterans, seniors, and people at high risk of homelessness, including survivors of domestic violence and people living with mental illness and other disabilities.

The legislature recognizes that homelessness has immediate and often times long-term consequences on the educational achievement of public school children and disproportionately impacts students of color. Additionally, the legislature recognizes that the health and safety of people experiencing homelessness is immediately and oftentimes significantly compromised, and that homelessness exacerbates physical and behavioral health disabilities. The legislature further recognizes that homelessness is disproportionately experienced by people of color and LGBTQ youth and young adults. The legislature recognizes that homelessness is also disproportionately experienced by people living with mental illness and that homelessness is an impediment to treatment. The legislature further recognizes that homelessness is disproportionately experienced by Native Americans.

In 2005, the Washington state legislature passed the homeless housing and assistance act that outlined several bold policies to address homelessness. That act also required a strategic plan by the department of commerce, which was first submitted in 2006 and subsequently updated. Since the first statewide plan, the state has succeeded in housing over five hundred fifty-six thousand people experiencing homelessness. These people were previously living in places not meant for human habitation, living in emergency shelters, or at imminent risk of becoming homeless. Although the overall prevalence of homelessness is down more than seventeen percent, the recent increase in homelessness, due in large part to surging housing costs, remains a crisis and more must be done.

Therefore, the legislature intends to improve resources available to aid with increasing access and removing barriers to housing for individuals and families in Washington.

Sec. 2. RCW 36.22.179 and 2017 3rd sp.s. c 16 s 5 are each amended to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178, and except as provided in subsection ((~~(2)~~)) (3) of this section, an additional surcharge of ((~~ten~~)) sixty-two dollars shall be charged by the county auditor for each

document recorded, which will be in addition to any other charge allowed by law. ((~~From September 1, 2012, through June 30, 2023, the surcharge shall be forty dollars.~~)) Except as provided in subsection (4) of this section, the funds collected pursuant to this section are to be distributed and used as follows:

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of chapter 484, Laws of 2005, six percent of which may be used by the county for the collection and local distribution of these funds and administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use six percent for administrative costs for its homeless housing program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account((~~,~~)) to be used as follows:

(i) The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. ((~~Of~~))

(ii) The remaining eighty-seven and one-half percent((~~,~~)) of this amount must be used as follows:

(A) At least forty-five percent must be set aside for the use of private rental housing payments((~~,~~))**;** and ((~~the remainder is~~))

(B) All remaining funds are to be used by the department to:

(((~~(i)~~))) (I) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; grants and vouchers designated for victims of human trafficking and their families; and emergency shelter assistance; and

(((~~(ii)~~))) (II) Fund the homeless housing grant program.

(2) A county issuing general obligation bonds pursuant to RCW 36.67.010, to carry out the purposes of subsection (1)(a) of this section, may provide that such bonds be made payable from any surcharge provided for in subsection (1)(a) of this section and may pledge such surcharges to the repayment of the bonds.

(3) The surcharge imposed in this section does not apply to (a) assignments or substitutions of previously recorded deeds of trust, (b) documents recording a birth, marriage, divorce, or death, (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law, (d) marriage licenses issued by the county auditor, or (e) documents recording a

state, county, or city lien or satisfaction of lien((~~, or (f) documents recording a water-sewer district lien or satisfaction of a lien for delinquent utility payments~~)).

(4) Ten dollars of the surcharge imposed under subsection (1) of this section must be distributed to the counties to carry out the purposes of subsection (1)(a) of this section.

(5) For purposes of this section, "private rental housing" means housing owned by a private landlord and includes housing owned by a nonprofit housing entity.

Sec. 3. RCW 43.185C.030 and 2013 c 200 s 25 are each amended to read as follows:

(1) The department shall annually conduct a Washington homeless census or count consistent with the requirements of RCW 43.185C.180. The census shall make every effort to count all homeless individuals living outdoors, in shelters, and in transitional housing, coordinated, when reasonably feasible, with already existing homeless census projects including those funded in part by the United States department of housing and urban development under the McKinney-Vento homeless assistance program. The department shall determine, in consultation with local governments, the data to be collected. Data on subpopulations and other characteristics of the homeless must, at a minimum, be consistent with the United States department of housing and urban development's point-in-time requirements.

(2) All personal information collected in the census is confidential, and the department and each local government shall take all necessary steps to protect the identity and confidentiality of each person counted.

(3) The department and each local government are prohibited from disclosing any personally identifying information about any homeless individual when there is reason to believe or evidence indicating that the homeless individual is an adult or minor victim of domestic violence, dating violence, sexual assault, or stalking or is the parent or guardian of a child victim of domestic violence, dating violence, sexual assault, or stalking; or revealing other confidential information regarding HIV/AIDS status, as found in RCW 70.02.220. The department and each local government shall not ask any homeless housing provider to disclose personally identifying information about any homeless individuals when the providers implementing those programs have reason to believe or evidence indicating that those clients are adult or minor victims of domestic violence, dating violence, sexual assault, or stalking or are the parents or guardians of child victims of domestic violence, dating violence, sexual assault, or stalking. Summary data for the provider's facility or program may be substituted.

(4) The Washington homeless census shall be conducted annually on a schedule created by the department. The department shall make summary data by county available to the public each year. This data, and its analysis, shall be included in the department's annual updated homeless housing program strategic plan.

(5) Based on the annual census and provider information from the local government plans, the department shall, by the end of year four, implement an online information and referral system to enable local governments and providers to identify available housing for a homeless person. The department

shall work with local governments and their providers to develop a capacity for continuous case management to assist homeless persons.

(6) By the end of year four, the department shall implement an organizational quality management system.

Sec. 4. RCW 43.185C.040 and 2017 3rd sp.s. c 15 s 2 are each amended to read as follows:

(1) ((~~Six months after the first Washington homeless census,~~)) The department shall, in consultation with the interagency council on homelessness ((~~and~~)), the affordable housing advisory board, and the state advisory council on homelessness, prepare and publish a ((~~ten~~)) five-year homeless housing strategic plan which ((~~shall~~)) must outline statewide goals and performance measures ((~~and shall be coordinated with the plan for homeless families with children required under RCW 43.63A.650~~)). The state homeless housing strategic plan must be submitted to the legislature by July 1, 2019, and every five years thereafter. The plan must include:

(a) Performance measures and goals to reduce homelessness, including long-term and short-term goals;

(b) An analysis of the services and programs being offered at the state and county level and an identification of those representing best practices and outcomes;

(c) Recognition of services and programs targeted to certain homeless populations or geographic areas in recognition of the diverse needs across the state;

(d) New or innovative funding, program, or service strategies to pursue;

(e) An analysis of either current drivers of homelessness or improvements to housing security, or both, such as increases and reductions to employment opportunities, housing scarcity and affordability, health and behavioral health services, chemical dependency treatment, and incarceration rates; and

(f) An implementation strategy outlining the roles and responsibilities at the state and local level and timelines to achieve a reduction in homelessness at the statewide level during periods of the five-year homeless housing strategic plan.

(2) The department must coordinate its efforts on the state homeless housing strategic plan with the office of homeless youth prevention and protection programs advisory committee under RCW 43.330.705. The state homeless housing strategic plan must not conflict with the strategies, planning, data collection, and performance and outcome measures developed under RCW 43.330.705 and 43.330.706 to reduce the state's homeless youth population.

(3) To guide local governments in preparation of ((~~their first~~)) local homeless housing plans due December ((~~31, 2005~~)) 1, 2019, the department shall issue by ((~~October 15, 2005, temporary~~)) December 1, 2018, guidelines consistent with this chapter and including the best available data on each community's homeless population. ((~~Local governments' ten-year homeless housing plans shall not be substantially inconsistent with the goals and program recommendations of the temporary guidelines and, when amended after 2005, the state strategic plan.~~

~~(2)~~)) Program outcomes ((~~and~~)), performance measures, and goals ((~~shall~~)) must be created by the department ((~~and reflected in the department's homeless housing strategic plan as well as interim goals~~)) in collaboration with local

governments against which state and local governments' performance ((~~may~~)) will be measured((~~, including:~~

~~(a) By the end of year one, completion of the first census as described in RCW 43.185C.030;~~

~~(b) By the end of each subsequent year, goals common to all local programs which are measurable and the achievement of which would move that community toward housing its homeless population; and~~

~~(c) By July 1, 2015, reduction of the homeless population statewide and in each county by fifty percent~~)).

(((~~(3)(a) The department shall work in consultation with the interagency council on homelessness, the affordable housing advisory board, and the state advisory council on homelessness to develop performance measures that address the limitations of the annual point-in-time count on measuring the effectiveness of the document recording fee surcharge funds in supporting homeless programs. The department must report its findings and recommendations regarding the new performance measures to the appropriate committees of the legislature by December 1, 2017.~~

~~(b) The department must implement at least three performance metrics, in addition to the point-in-time measurement, that measure the impact of surcharge funding on reducing homelessness by July 1, 2018.~~

~~(c) The joint legislative audit and review committee must review how the surcharge fees are expended to address homelessness, including a review of the related program performance measures and targets. The joint legislative audit and review committee must report its review findings by December 1, 2022, and update the review every five years thereafter.~~))

(4) The department shall develop a consistent statewide data gathering instrument to monitor the performance of cities and counties receiving grants in order to determine compliance with the terms and conditions set forth in the grant application or required by the department.

The department shall, in consultation with the interagency council on homelessness and the affordable housing advisory board, report biennially to the governor and the appropriate committees of the legislature an assessment of the state's performance in furthering the goals of the state ((~~ten-year~~)) five-year homeless housing strategic plan and the performance of each participating local government in creating and executing a local homeless housing plan which meets the requirements of this chapter. To increase the effectiveness of the report, the department must develop a process to ensure consistent presentation, analysis, and explanation in the report, including year-to-year comparisons, highlights of program successes and challenges, and information that supports recommended strategy or operational changes. The ((~~annual~~)) report may include performance measures such as:

(a) The reduction in the number of homeless individuals and families from the initial count of homeless persons;

(b) The reduction in the number of unaccompanied homeless youth. "Unaccompanied homeless youth" has the same meaning as in RCW 43.330.702;

(c) The number of new units available and affordable for homeless families by housing type;

(d) The number of homeless individuals identified who are not offered suitable housing within thirty days of their request or identification as homeless;

(e) The number of households at risk of losing housing who maintain it due to a preventive intervention;

(f) The transition time from homelessness to permanent housing;

(g) The cost per person housed at each level of the housing continuum;

(h) The ability to successfully collect data and report performance;

(i) The extent of collaboration and coordination among public bodies, as well as community stakeholders, and the level of community support and participation;

(j) The quality and safety of housing provided; and

(k) The effectiveness of outreach to homeless persons, and their satisfaction with the program.

((~~(5) Based on the performance of local homeless housing programs in meeting their interim goals, on general population changes and on changes in the homeless population recorded in the annual census, the department may revise the performance measures and goals of the state homeless housing strategic plan, set goals for years following the initial ten-year period, and recommend changes in local governments' plans.~~))

Sec. 5. RCW 43.185C.050 and 2005 c 484 s 8 are each amended to read as follows:

(1) Each local homeless housing task force shall prepare and recommend to its local government legislative authority a ((~~ten~~)) five-year homeless housing plan for its jurisdictional area, which shall be not inconsistent with the department's statewide ((~~temporary~~)) guidelines((~~, for the~~)) issued by December ((~~31, 2005, plan~~)) 1, 2018, and thereafter the department's ((~~ten~~)) five-year homeless housing strategic plan, and which shall be aimed at eliminating homelessness((~~, with a minimum goal of reducing homelessness by fifty percent by July 1, 2015~~)). The local government may amend the proposed local plan and shall adopt a plan by December ((~~31, 2005~~)) 1, 2019. Performance in meeting the goals of this local plan shall be assessed annually in terms of the performance measures published by the department. Local plans may include specific local performance measures adopted by the local government legislative authority, and may include recommendations for any state legislation needed to meet the state or local plan goals.

(2) Eligible activities under the local plans include:

(a) Rental and furnishing of dwelling units for the use of homeless persons;

(b) Costs of developing affordable housing for homeless persons, and services for formerly homeless individuals and families residing in transitional housing or permanent housing and still at risk of homelessness;

(c) Operating subsidies for transitional housing or permanent housing serving formerly homeless families or individuals;

(d) Services to prevent homelessness, such as emergency eviction prevention programs including temporary rental subsidies to prevent homelessness;

(e) Temporary services to assist persons leaving state institutions and other state programs to prevent them from becoming or remaining homeless;

(f) Outreach services for homeless individuals and families;

(g) Development and management of local homeless plans including homeless census data collection; identification of goals, performance measures, strategies, and costs and evaluation of progress towards established goals;

(h) Rental vouchers payable to landlords for persons who are homeless or below thirty percent of the median income or in immediate danger of becoming homeless; and

(i) Other activities to reduce and prevent homelessness as identified for funding in the local plan.

Sec. 6. RCW 43.185C.060 and 2014 c 200 s 2 are each amended to read as follows:

(1) The home security fund account is created in the state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter. ((~~If an independent audit finds that the department has failed to set aside at least forty-five percent of funds received under RCW 36.22.179(1)(b) after June 12, 2014, for the use of private rental housing payments, the department must submit a corrective action plan to the office of financial management within thirty days of receipt of the independent audit. The office of financial management must monitor the department's corrective action plan and expenditures from this account for the remainder of the fiscal year. If the department is not in compliance with RCW 36.22.179(1)(b) in any month of the fiscal year following submission of the corrective action plan, the office of financial management must reduce the department's allotments from this account and hold in reserve status a portion of the department's appropriation equal to the expenditures made during the month not in compliance with RCW 36.22.179(1)(b).~~))

(2) The department must distinguish allotments from the account made to carry out the activities in RCW 43.330.167, 43.330.700 through 43.330.715, 43.330.911, 43.185C.010, 43.185C.250 through 43.185C.320, and 36.22.179(1)(b).

(3) The office of financial management must secure an independent expenditure review of state funds received under RCW 36.22.179(1)(b) on a biennial basis. The purpose of the review is to assess the consistency in achieving policy priorities within the private market rental housing segment for housing persons experiencing homelessness. The independent reviewer must notify the department and the office of financial management of its findings. The first biennial expenditure review, for the 2017-2019 fiscal biennium, is due February 1, 2020. Independent reviews conducted thereafter are due February 1st of each even-numbered year.

Sec. 7. RCW 43.185C.160 and 2005 c 485 s 1 are each amended to read as follows:

(1) Each county shall create a homeless housing task force to develop a ((~~ten~~)) five-year homeless housing plan addressing short-term and long-term housing for homeless persons.

Membership on the task force may include representatives of the counties, cities, towns, housing authorities, civic and faith organizations, schools, community networks, human services providers, law enforcement personnel,

criminal justice personnel, including prosecutors, probation officers, and jail administrators, substance abuse treatment providers, mental health care providers, emergency health care providers, businesses, real estate professionals, at large representatives of the community, and a homeless or formerly homeless individual.

In lieu of creating a new task force, a local government may designate an existing governmental or nonprofit body which substantially conforms to this section and which includes at least one homeless or formerly homeless individual to serve as its homeless representative. As an alternative to a separate plan, two or more local governments may work in concert to develop and execute a joint homeless housing plan, or to contract with another entity to do so according to the requirements of this chapter. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the homeless housing program within its borders.

A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution shall also be transmitted to the county auditor and treasurer. If a county declines to participate, the department shall create and execute a local homeless housing plan for the county meeting the requirements of this chapter.

(2) In addition to developing a ((~~ten~~)) five-year homeless housing plan, each task force shall establish guidelines consistent with the statewide homeless housing strategic plan, as needed, for the following:

(a) Emergency shelters;

(b) Short-term housing needs;

(c) Temporary encampments;

(d) Supportive housing for chronically homeless persons; and

(e) Long-term housing.

Guidelines must include, when appropriate, standards for health and safety and notifying the public of proposed facilities to house the homeless.

(3) Each county, including counties exempted from creating a new task force under subsection (1) of this section, shall report to the department ((~~of community, trade, and economic development~~)) such information as may be needed to ensure compliance with this chapter, including the annual report required in section 9 of this act.

Sec. 8. RCW 43.185C.010 and 2017 c 277 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the individual who has the daily administrative responsibility of a crisis residential center.

(2) "Child in need of services petition" means a petition filed in juvenile court by a parent, child, or the department of social and health services seeking adjudication of placement of the child.

(3) "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.

(4) "Crisis residential center" means a secure or semi-secure facility established pursuant to chapter 74.13 RCW.

(5) "Department" means the department of commerce.

(6) "Director" means the director of the department of commerce.

(7) "Home security fund account" means the state treasury account receiving the state's portion of income from revenue from the sources established by RCW 36.22.179((~~, RCW~~)) and 36.22.1791, and all other sources directed to the homeless housing and assistance program.

(8) "Homeless housing grant program" means the vehicle by which competitive grants are awarded by the department, utilizing moneys from the home security fund account, to local governments for programs directly related to housing homeless individuals and families, addressing the root causes of homelessness, preventing homelessness, collecting data on homeless individuals, and other efforts directly related to housing homeless persons.

(9) "Homeless housing plan" means the ((~~ten~~)) five-year plan developed by the county or other local government to address housing for homeless persons.

(10) "Homeless housing program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.

(11) "Homeless housing strategic plan" means the ((~~ten~~)) five-year plan developed by the department, in consultation with the interagency council on homelessness ((~~and~~)), the affordable housing advisory board, and the state advisory council on homelessness.

(12) "Homeless person" means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, people with mental illness, and sex offenders who are homeless.

(13) "HOPE center" means an agency licensed by the secretary of the department of social and health services to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days.

(14) "Housing authority" means any of the public corporations created by chapter 35.82 RCW.

(15) "Housing continuum" means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.

(16) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, policy level representatives of the following entities: (a) The department of commerce; (b) the department of corrections; (c) the department of social and health services; (d) the department of veterans affairs; and (e) the department of health.

(17) "Local government" means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its borders.

(18) "Local homeless housing task force" means a voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It must include a representative of the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low-income housing.

(19) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.

(20) "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.

(21) "Secure facility" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

(22) "Semi-secure facility" means any facility including, but not limited to, crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away. Pursuant to rules established by the facility administrator, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

(23) "Staff secure facility" means a structured group care facility licensed under rules adopted by the department of social and health services with a ratio of at least one adult staff member to every two children.

(24) "Washington homeless census" means an annual statewide census conducted as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect data on all homeless individuals in Washington.

(25) "Washington homeless client management information system" means a database of information about homeless individuals in the state used to coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.

NEW SECTION. **Sec. 9.** A new section is added to chapter 43.185C RCW to read as follows:

(1) By December 1st of each year, the department must provide an update on the state's homeless housing strategic plan and its activities for the prior fiscal year. The report must include, but not be limited to, the following information:

(a) An assessment of the current condition of homelessness in Washington state and the state's performance in meeting the goals in the state homeless housing strategic plan;

(b) A report on the results of the annual homeless point-in-time census conducted statewide under RCW 43.185C.030;

(c) The amount of federal, state, local, and private funds spent on homelessness assistance, categorized by funding source and the following major assistance types:

(i) Emergency shelter;

(ii) Homelessness prevention and rapid rehousing;

(iii) Permanent housing;

(iv) Permanent supportive housing;

(v) Transitional housing;

(vi) Services only; and

(vii) Any other activity in which more than five hundred thousand dollars of category funds were expended;

(d) A report on the expenditures, performance, and outcomes of state funds distributed through the consolidated homeless grant program, including the grant recipient, award amount expended, use of the funds, counties served, and households served;

(e) A report on state and local homelessness document recording fee expenditure by county, including the total amount of fee spending, percentage of total spending from fees, number of people served by major assistance type, and amount of expenditures for private rental housing payments required in RCW 36.22.179;

(f) A report on the expenditures, performance, and outcomes of the essential needs and housing support program meeting the requirements of RCW 43.185C.220; and

(g) A report on the expenditures, performance, and outcomes of the independent youth housing program meeting the requirements of RCW 43.63A.311.

(2) The report required in subsection (1) of this section must be posted to the department's web site and may include links to updated or revised information contained in the report.

(3) Any local government receiving state funds for homelessness assistance or state or local homelessness document recording fees under RCW 36.22.178, 36.22.179, or 36.22.1791 must provide an annual report on the current condition of homelessness in its jurisdiction, its performance in meeting the goals in its local homeless housing plan, and any significant changes made to the plan. The annual report must be posted on the department's web site. Along with each local government annual report, the department must produce and post information on the local government's homelessness spending from all sources by project during the prior state fiscal year in a format similar to the department's report under subsection (1)(c) of this section. If a local government fails to report or provides an inadequate or incomplete report, the department must take corrective action, which may include withholding state funding for homelessness assistance to the

local government to enable the department to use such funds to contract with other public or nonprofit entities to provide homelessness assistance within the jurisdiction.

Sec. 10. RCW 43.185C.240 and 2015 c 69 s 26 are each amended to read as follows:

(1) As a means of efficiently and cost-effectively providing housing assistance to very-low income and homeless households:

(a) Any local government that has the authority to issue housing vouchers, directly or through a contractor, using document recording surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 must:

(i)(A) Maintain an interested landlord list, which at a minimum, includes information on rental properties in buildings with fewer than fifty units;

(B) Update the list at least once per quarter;

(C) Distribute the list to agencies providing services to individuals and households receiving housing vouchers;

(D) Ensure that a copy of the list or information for accessing the list online is provided with voucher paperwork; and

(E) Communicate and interact with landlord and tenant associations located within its jurisdiction to facilitate development, maintenance, and distribution of the list to private rental housing landlords. The department must make reasonable efforts to ensure that local providers conduct outreach to private rental housing landlords each calendar quarter regarding opportunities to provide rental housing to the homeless and the availability of funds;

(ii) Using cost-effective methods of communication, convene, on a semiannual or more frequent basis, landlords represented on the interested landlord list and agencies providing services to individuals and households receiving housing vouchers to identify successes, barriers, and process improvements. The local government is not required to reimburse any participants for expenses related to attendance;

(iii) Produce data, limited to document recording fee uses and expenditures, on a ((~~calendar~~)) fiscal year basis in consultation with landlords represented on the interested landlord list and agencies providing services to individuals and households receiving housing vouchers, that include the following: Total amount expended from document recording fees; amount expended on, number of households that received, and number of housing vouchers issued in each of the private, public, and nonprofit markets; amount expended on, number of households that received, and number of housing placement payments provided in each of the private, public, and nonprofit markets; amount expended on and number of eviction prevention services provided in the private market; amount expended on and number of other tenant-based rent assistance services provided in the private market; and amount expended on and number of services provided to unaccompanied homeless youth. If these data elements are not readily available, the reporting government may request the department to use the sampling methodology established pursuant to (c)(iii) of this subsection to obtain the data; and

(iv) Annually submit the ((~~calendar~~)) fiscal year data to the department ((~~by October 1st, with preliminary data submitted by October 1, 2012, and full calendar year data submitted beginning October 1, 2013~~)).

(b) Any local government receiving more than three million five hundred thousand dollars during the previous ((~~calendar~~)) fiscal year from document recording surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, and 36.22.1791, must apply to the Washington state quality award program, or similar Baldrige assessment organization, for an independent assessment of its quality management, accountability, and performance system. The first assessment may be a lite assessment. After submitting an application, a local government is required to reapply at least every two years.

(c) The department must:

(i) Require contractors that provide housing vouchers to distribute the interested landlord list created by the appropriate local government to individuals and households receiving the housing vouchers;

(ii) Convene a stakeholder group by March 1, 2017, consisting of landlords, homeless housing advocates, real estate industry representatives, cities, counties, and the department to meet to discuss long-term funding strategies for homeless housing programs that do not include a surcharge on document recording fees. The stakeholder group must provide a report of its findings to the legislature by December 1, 2017;

(iii) Develop a sampling methodology to obtain data required under this section when a local government or contractor does not have such information readily available. The process for developing the sampling methodology must include providing notification to and the opportunity for public comment by local governments issuing housing vouchers, landlord association representatives, and agencies providing services to individuals and households receiving housing vouchers;

(iv) Develop a report, limited to document recording fee uses and expenditures, on a ((~~calendar~~)) fiscal year basis that may include consultation with local governments, landlord association representatives, and agencies providing services to individuals and households receiving housing vouchers, that includes the following: Total amount expended from document recording fees; amount expended on, number of households that received, and number of housing vouchers issued in each of the private, public, and nonprofit markets; amount expended on, number of households that received, and number of housing placement payments provided in each of the private, public, and nonprofit markets; amount expended on and number of eviction prevention services provided in the private market; the total amount of funds set aside for private rental housing payments as required in RCW 36.22.179(1)(b); and amount expended on and number of other tenant-based rent assistance services provided in the private market. The information in the report must include data submitted by local governments and data on all additional document recording fee activities for which the department contracted that were not otherwise reported. The data, samples, and sampling methodology used to develop the report must be made available upon request and for the audits required in this section;

(v) Annually submit the ((~~calendar~~)) fiscal year report to the legislature by December ((~~15th, with a preliminary report submitted by December 15, 2012, and full calendar year reports submitted beginning December 15, 2013~~)) 1st of each year; and

(vi) Work with the Washington state quality award program, local governments, and any other organizations to ensure the appropriate scheduling of assessments for all local governments meeting the criteria described in subsection (1)(b) of this section.

(d) The office of financial management must secure an independent audit of the department's data and expenditures of state funds received under RCW 36.22.179(1)(b) on an annual basis. The independent audit must review a random sample of local governments, contractors, and housing providers that is geographically and demographically diverse. The independent auditor must meet with the department and a landlord representative to review the preliminary audit and provide the department and the landlord representative with the opportunity to include written comments regarding the findings that must be included with the audit. The first audit of the department's data and expenditures will be for calendar year 2014 and is due July 1, 2015. Each audit thereafter will be due July 1st following the department's submission of the report to the legislature. If the independent audit finds that the department has failed to set aside at least forty-five percent of the funds received under RCW 36.22.179(1)(b) after June 12, 2014, for private rental housing payments, the independent auditor must notify the department and the office of financial management of its finding. In addition, the independent auditor must make recommendations to the office of financial management and the legislature on alternative means of distributing the funds to meet the requirements of RCW 36.22.179(1)(b).

(e) The office of financial management must contract with an independent auditor to conduct a performance audit of the programs funded by document recording surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, and 36.22.1791. The audit must provide findings to determine if the funds are being used effectively, efficiently, and for their intended purpose. The audit must review the department's performance in meeting all statutory requirements related to document recording surcharge funds including, but not limited to, the data the department collects, the timeliness and quality of required reports, and whether the data and required reports provide adequate information and accountability for the use of the document recording surcharge funds. The audit must include recommendations for policy and operational improvements to the use of document recording surcharges by counties and the department. The performance audit must be submitted to the legislature by December 1, 2016.

(2) For purposes of this section:

(a) "Housing placement payments" means one-time payments, such as first and last month's rent and move-in costs, funded by document recording surcharges collected pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 that are made to secure a unit on behalf of a tenant.

(b) "Housing vouchers" means payments, including private rental housing payments, funded by document recording surcharges collected pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 that are made by a local government or contractor to secure: (i) A rental unit on behalf of an individual tenant; or (ii) a block of units on behalf of multiple tenants.

(c) "Interested landlord list" means a list of landlords who have indicated to a local government or contractor interest in renting to individuals or households receiving a housing voucher funded by document recording surcharges.

(d) "Private rental housing" means housing owned by a private landlord and ((~~does not~~)) includes housing owned by a nonprofit housing entity ((~~or government entity~~)).

(3) This section expires June 30, 2019.

NEW SECTION. **Sec. 11.** This act may be known and cited as the Washington housing opportunities act.

Passed by the House March 3, 2018.
Passed by the Senate February 28, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 86

[Substitute House Bill 1022]

ALIEN VICTIMS OF CRIME

AN ACT Relating to alien victims of certain qualifying criminal activity; and adding a new chapter to Title 7 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** This act may be known and cited as the safety and access for immigrant victims act.

NEW SECTION. **Sec. 2.** The legislature finds that ensuring that all victims of crimes are able to access the protections available to them under law is in the best interest of victims, law enforcement, and the entire community. Immigrants are frequently reluctant to cooperate with or contact law enforcement when they are victims of crimes, and the protections available to immigrants under the law are designed to strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of trafficking in persons, domestic violence, sexual assault, and other crimes while offering protection to such victims.

NEW SECTION. **Sec. 3.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Certification" means any law enforcement certification or statement required by federal immigration law including, but not limited to, the information required by 8 U.S.C. Sec. 1184 (o) and (p), or any successor statutes regarding T or U nonimmigrant visas or their successor programs, including current United States citizenship and immigration services form I-914 supplement B or form I-918 supplement B, respectively, and any successor forms.

(2) "Certifying agency" means a state or local law enforcement agency, prosecutor, administrative judge, hearing office, or other authority that has responsibility for the investigation or prosecution of criminal activity. A certifying agency includes an agency that has investigative jurisdiction in its respective area of expertise including, but not limited to, the Washington state patrol, the Washington department of labor and industries, and the Washington department of social and health services.

(3) "Criminal activity" includes any activity that constitutes a crime as defined in RCW 7.69.020, for which the nature and elements of the offenses are

substantially similar to the offenses described in 8 U.S.C. Sec. 1101(a)(15)(U), and the attempt, conspiracy, or solicitation to commit any of those offenses.

(4) "Law enforcement agency" means any agency in Washington that qualifies as a criminal justice agency under RCW 10.97.030(5) and is charged with the enforcement of state, county, municipal, or federal laws, or with managing custody of detained persons in the state, and includes municipal police departments, sheriff's departments, campus police departments, the Washington state patrol, and the juvenile justice rehabilitative administration.

(5) "Law enforcement official" means any officer or other agent of a state or local law enforcement agency authorized to enforce criminal statutes, regulations, or local ordinances.

(6) "Victim of criminal activity" means any individual who has: (a) Reported criminal activity to a law enforcement agency or certifying agency, or otherwise participated in the detection, investigation, or prosecution of criminal activity; and (b) suffered direct or proximate harm as a result of the commission of any criminal activity and may include, but is not limited to, an indirect victim, regardless of the direct victim's immigration or citizenship status, including the spouse, children under twenty-one years of age and, if the direct victim is under twenty-one years of age, parents, and unmarried siblings under eighteen years of age where the direct victim is deceased, incompetent, or incapacitated. Bystander victims must also be considered. More than one victim may be identified and provided with certification depending upon the circumstances. For purposes of this subsection, "incapacitated" means unable to interact with law enforcement agency or certifying agency personnel as a result of a cognitive impairment or other physical limitation, or because of physical restraint or disability or age, such as minors. This definition applies to this chapter only.

(7) "Victim of trafficking" means any individual who is or has been a victim of human trafficking, which includes, but is not limited to, the following acts: (a) Sex trafficking in which a commercial sex act was induced by force, fraud, or coercion; (b) sex trafficking and the victim was under the age of eighteen years; (c) recruiting, harboring, transportation of, providing, or obtaining a person for labor or services through the use of force, fraud, or coercion for subjection to involuntary servitude, peonage, debt bondage, or slavery; or (d) another act or circumstance involving human trafficking.

NEW SECTION. **Sec. 4.** (1) Upon the request by the victim or representative thereof including, but not limited to, the victim's attorney, accredited representative, or domestic violence, sexual assault, or victim's service provider, a certifying agency shall: (a) Make a determination on United States citizenship and immigration services form I-918 supplement B or relevant successor certification form, whether the victim was a victim of criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection or investigation or prosecution of that criminal activity; or (b) make a determination on United States citizenship and immigration services form I-914 supplement B or relevant successor certification form, whether the victim is or has been a victim of trafficking and, unless the victim is under the age of eighteen, whether he or she has complied with any reasonable requests from law enforcement in any related investigation or prosecution of the acts of trafficking in which he or she was a victim.

(2) Upon a certifying agency's affirmative determination under subsection (1) of this section, the certifying official shall fully complete and sign the certification, including, if applicable, the specific details regarding the nature of the crime investigated or prosecuted and a detailed description of the victim's helpfulness or likely helpfulness to the detection or investigation or prosecution of criminal activity.

(3) A certifying agency shall process the certification within ninety days of request, unless the victim is in federal immigration removal proceedings, in which case the certifying agency shall execute the certification no later than fourteen days after the request is received by the agency. In any case in which the victim or the victim's children would lose any benefits under 8 U.S.C. Sec. 1184 (o) and (p) by virtue of having reached the age of twenty-one years within ninety days after the certifying agency receives the certification request, the certifying agency shall execute the certification no later than fourteen days before the date on which the victim or child would reach the age of twenty-one years or ninety days from the date of the request, whichever is earlier. Requests for expedited certification must be affirmatively raised by the victim.

(4) A current investigation, the filing of charges, and a prosecution or conviction are not required for a victim to request and obtain the certification from a certifying official.

(5) A certifying agency may only withdraw the certification if the victim unreasonably refuses to provide information and assistance related to the investigation or prosecution of the associated criminal activity when reasonably requested by the certifying agency.

(6) The head of each certifying agency shall designate an agent, who performs a supervisory role within the agency, to perform the following responsibilities:

(a) Respond to requests for certifications;

(b) Provide outreach to victims of criminal activity and trafficking to inform them of the agency's certification process; and

(c) Keep written documentation regarding the number of victims who requested certifications, the number of certification forms that were signed, the number of certification forms that were denied, and the number of certifications that were withdrawn, which must be reported to the office of crime victims advocacy on an annual basis.

(7) All certifying agencies shall develop a language access protocol for limited English proficient and deaf or hard of hearing victims of criminal activity.

(8) A certifying agency shall reissue any certification within ninety days of receiving a request from the victim of criminal activity or trafficking or representative thereof including, but not limited to, the victim's attorney, accredited representative, or domestic violence, sexual assault, or victim's service provider.

(9) A certifying agency shall not disclose personal identifying information, or information regarding the citizenship or immigration status of any victim of criminal activity or trafficking who is requesting a certification unless required to do so by applicable federal law or court order, or unless the certifying agency has written authorization from the victim or, if the victim is a minor or is otherwise not legally competent, by the victim's parent or guardian. This

subsection does not modify prosecutor or law enforcement obligations to disclose information and evidence to defendants under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), or *Kyles v. Whitley*, 514 U.S. 419, 115 S. Ct. 1555; 131 L. Ed. 2d 490 (1995), or any related Washington case law, statutes, or court rules.

(10) The Washington state criminal justice training commission, in collaboration with the office of crime victims advocacy and the crime victim certification steering committee, shall develop and adopt minimum standards for a course of study on U and T nonimmigrant visas, other legal protections for immigrant survivors of criminal activity, and promising practices in working with immigrant crime victims.

NEW SECTION. **Sec. 5.** The office of crime victims advocacy shall convene a crime victim certification steering committee within ninety days of the effective date of this section. The office of crime victims advocacy shall provide administrative support for the committee. The committee must include members representing immigrant communities, law enforcement, prosecutors, the criminal justice training commission, providers of services to survivors of crime victims including domestic violence, sexual assault, human trafficking, and other crimes, a representative from the department of labor and industries charged with enforcement of workplace standards, and may include other entities concerned with victim safety and effective collaboration between immigrant communities and local law enforcement entities. The members of the committee shall serve without compensation. Members are reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, subject to available resources and other limitations in chapter 43.03 RCW. The committee is responsible for the following:

(1) Monitoring compliance under this chapter;

(2) Developing and implementing training of law enforcement, prosecutors, victim advocates, state agency personnel, court personnel, and others about this chapter;

(3) Dissemination of information about this chapter to affected communities and the general public;

(4) Establishing mechanisms by which the public can report concerns and recommendations regarding implementation of this chapter;

(5) Identifying implementation issues and other trends, and providing recommendations to the governor and the legislature for addressing these issues;

(6) Other responsibilities relating to this chapter identified by the committee.

NEW SECTION. **Sec. 6.** 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. 7.** Sections 1 through 5 of this act constitute a new chapter in Title 7 RCW.

Passed by the House January 18, 2018.
Passed by the Senate February 28, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 87

[Engrossed Substitute House Bill 1239]

MEDICAL RECORDS FEES--SOCIAL SECURITY BENEFITS APPEAL

AN ACT Relating to requests for medical records to support an application for social security benefits; amending RCW 70.02.030, 70.02.045, and 70.02.080; and adding a new section to chapter 48.43 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 70.02.030 and 2014 c 220 s 15 are each amended to read as follows:

(1) A patient may authorize a health care provider or health care facility to disclose the patient's health care information. A health care provider or health care facility shall honor an authorization and, if requested, provide a copy of the recorded health care information unless the health care provider or health care facility denies the patient access to health care information under RCW 70.02.090.

(2)(a) Except as provided in (b) of this subsection, a health care provider or health care facility may charge a reasonable fee for providing the health care information and is not required to honor an authorization until the fee is paid.

(b) Upon request of a patient or a patient's personal representative, a health care facility or health care provider shall provide the patient or representative with one copy of the patient's health care information free of charge if the patient is appealing the denial of federal supplemental security income or social security disability benefits. The patient or representative may complete a disclosure authorization specifying the health care information requested and provide it to the health care facility or health care provider. The health care facility or health care provider may provide the health care information in either paper or electronic format. A health care facility or health care provider is not required to provide a patient or a patient's personal representative with a free copy of health care information that has previously been provided free of charge pursuant to a request within the preceding two years.

(3) To be valid, a disclosure authorization to a health care provider or health care facility shall:

(a) Be in writing, dated, and signed by the patient;

(b) Identify the nature of the information to be disclosed;

(c) Identify the name and institutional affiliation of the person or class of persons to whom the information is to be disclosed;

(d) Identify the provider or class of providers who are to make the disclosure;

(e) Identify the patient; and

(f) Contain an expiration date or an expiration event that relates to the patient or the purpose of the use or disclosure.

(4) Unless disclosure without authorization is otherwise permitted under RCW 70.02.050 or the federal health insurance portability and accountability act of 1996 and its implementing regulations, an authorization may permit the disclosure of health care information to a class of persons that includes:

(a) Researchers if the health care provider or health care facility obtains the informed consent for the use of the patient's health care information for research purposes; or

(b) Third-party payors if the information is only disclosed for payment purposes.

(5) Except as provided by this chapter, the signing of an authorization by a patient is not a waiver of any rights a patient has under other statutes, the rules of evidence, or common law.

(6) When an authorization permits the disclosure of health care information to a financial institution or an employer of the patient for purposes other than payment, the authorization as it pertains to those disclosures shall expire one year after the signing of the authorization, unless the authorization is renewed by the patient.

(7) A health care provider or health care facility shall retain the original or a copy of each authorization or revocation in conjunction with any health care information from which disclosures are made.

(8) Where the patient is under the supervision of the department of corrections, an authorization signed pursuant to this section for health care information related to mental health or drug or alcohol treatment expires at the end of the term of supervision, unless the patient is part of a treatment program that requires the continued exchange of information until the end of the period of treatment.

Sec. 2. RCW 70.02.045 and 2015 c 289 s 1 are each amended to read as follows:

Third-party payors shall not release health care information disclosed under this chapter, except as required by chapter 43.371 RCW and section 4 of this act and to the extent that health care providers are authorized to do so under RCW 70.02.050, 70.02.200, and 70.02.210.

Sec. 3. RCW 70.02.080 and 1993 c 448 s 5 are each amended to read as follows:

(1) Upon receipt of a written request from a patient to examine or copy all or part of the patient's recorded health care information, a health care provider, as promptly as required under the circumstances, but no later than fifteen working days after receiving the request shall:

(a) Make the information available for examination during regular business hours and provide a copy, if requested, to the patient;

(b) Inform the patient if the information does not exist or cannot be found;

(c) If the health care provider does not maintain a record of the information, inform the patient and provide the name and address, if known, of the health care provider who maintains the record;

(d) If the information is in use or unusual circumstances have delayed handling the request, inform the patient and specify in writing the reasons for the delay and the earliest date, not later than twenty-one working days after receiving the request, when the information will be available for examination or copying or when the request will be otherwise disposed of; or

(e) Deny the request, in whole or in part, under RCW 70.02.090 and inform the patient.

(2) Upon request, the health care provider shall provide an explanation of any code or abbreviation used in the health care information. If a record of the particular health care information requested is not maintained by the health care provider in the requested form, the health care provider is not required to create a

new record or reformulate an existing record to make the health care information available in the requested form. Except as provided in RCW 70.02.030, the health care provider may charge a reasonable fee for providing the health care information and is not required to permit examination or copying until the fee is paid.

NEW SECTION. **Sec. 4.** A new section is added to chapter 48.43 RCW to read as follows:

Upon request of a covered person or a covered person's personal representative, an issuer shall provide the covered person or representative with one copy of the covered person's health care information free of charge if the covered person is appealing the denial of federal supplemental security income or social security disability benefits. The issuer may provide the health care information in either paper or electronic format. An issuer is not required to provide a covered person or a covered person's personal representative with a free copy of health care information that has previously been provided free of charge pursuant to a request within the preceding two years. For purposes of this section, "health care information" has the same meaning as in RCW 70.02.010.

Passed by the House March 3, 2018.
Passed by the Senate March 1, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 88

[Substitute House Bill 2101]

SEXUAL ASSAULT NURSE EXAMINERS--AVAILABILITY

AN ACT Relating to increasing the availability of sexual assault nurse examiners; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) The office of crime victims advocacy shall develop best practices that local communities may use on a voluntary basis to create more access to sexual assault nurse examiners, including, but not limited to, partnerships to serve multiple facilities, mobile sexual assault nurse examiner teams, and multidisciplinary teams to serve sexual assault survivors in local communities.

(a) When developing the best practices, the office of crime victims advocacy shall consult with:

(i) The Washington association of sheriffs and police chiefs;

(ii) The Washington association of prosecuting attorneys;

(iii) The Washington coalition of sexual assault programs;

(iv) The Harborview center for sexual assault and traumatic stress;

(v) The Washington state hospital association;

(vi) The Washington state association of counties;

(vii) The association of Washington cities; and

(viii) Other organizations deemed appropriate by the office of crime victims advocacy.

(b) The office of crime victims advocacy shall complete the best practices no later than January 1, 2019, and publish them on its web site.

(2) The office of crime victims advocacy shall develop strategies to make sexual assault nurse examiner training available to nurses in all regions of the state without requiring the nurses to travel unreasonable distances or incur unreasonable expenses.

(a) When developing the strategies, the office of crime victims advocacy shall consult with:

(i) The Harborview center for sexual assault and traumatic stress;

(ii) The department of health;

(iii) The nursing care quality assurance commission;

(iv) The Washington state nurses association;

(v) The Washington state hospital association; and

(vi) Other organizations deemed appropriate by the office of crime victims advocacy.

(b) The office of crime victims advocacy shall report the strategies to the governor and the appropriate committees of the legislature no later than January 1, 2019.

Passed by the House February 7, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 89

[Substitute House Bill 2317]

PUBLIC TRANSPORTATION BENEFIT AREAS AND PASSENGER-ONLY FERRY SERVICE DISTRICTS--CONTRACTOR BONDING

AN ACT Relating to contractor bonding requirements for public transportation benefit areas and passenger-only ferry service districts; amending RCW 39.08.100; reenacting and amending RCW 39.08.030; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 39.08.030 and 2013 c 113 s 4 and 2013 c 28 s 2 are each reenacted and amended to read as follows:

(1)(a) The bond mentioned in RCW 39.08.010 must be in an amount equal to the full contract price agreed to be paid for such work or improvement, except under subsection (2) of this section, and must be to the state of Washington, except as otherwise provided in RCW 39.08.100, and except in cases of cities, towns, public transportation benefit areas, passenger-only ferry service districts, and water-sewer districts, in which cases such municipalities may by general ordinance or resolution fix and determine the amount of such bond and to whom such bond runs. However, the same may not be for a less amount than twenty-five percent of the contract price of any such improvement for cities ((~~and~~)), towns, public transportation benefit areas, and passenger-only ferry service districts, and not less than the full contract price of any such improvement for water-sewer districts, and may designate that the same must be payable to such city, town, ((~~or~~)) water-sewer district, public transportation benefit area, or passenger-only ferry service district, and not to the state of Washington, and all such persons mentioned in RCW 39.08.010 have a right of action in his, her, or their own name or names on such bond for work done by such laborers or

mechanics, and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements, and the state has a right of action for the collection of taxes, increases, and penalties specified in RCW 39.08.010: PROVIDED, That, except for the state with respect to claims for taxes, increases, and penalties specified in RCW 39.08.010, such persons do not have any right of action on such bond for any sum whatever, unless within thirty days from and after the completion of the contract with an acceptance of the work by the affirmative action of the board, council, commission, trustees, officer, or body acting for the state, county or municipality, or other public body, city, town or district, the laborer, mechanic or subcontractor, or material supplier, or person claiming to have supplied materials, provisions or goods for the prosecution of such work, or the making of such improvement, must present to and file with such board, council, commission, trustees or body acting for the state, county or municipality, or other public body, city, town or district, a notice in writing in substance as follows:

> To (here insert the name of the state, county or municipality or other public body, city, town or district):
>
> Notice is hereby given that the undersigned (here insert the name of the laborer, mechanic or subcontractor, or material supplier, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of . . . . . dollars (here insert the amount) against the bond taken from . . . . . (here insert the name of the principal and surety or sureties upon such bond) for the work of . . . . . (here insert a brief mention or description of the work concerning which said bond was taken).
>
> (here to be signed) . . . . . .

(b) Such notice must be signed by the person or corporation making the claim or giving the notice, and the notice, after being presented and filed, is a public record open to inspection by any person, and in any suit or action brought against such surety or sureties by any such person or corporation to recover for any of the items specified in this section, the claimant is entitled to recover in addition to all other costs, attorneys' fees in such sum as the court adjudges reasonable. However, attorneys' fees are not allowed in any suit or action brought or instituted before the expiration of thirty days following the date of filing of the notice as provided in this section. However, any city may avail itself of the provisions of RCW 39.08.010 through 39.08.030, notwithstanding any charter provisions in conflict with this section. Moreover, any city or town may impose any other or further conditions and obligations in such bond as may be deemed necessary for its proper protection in the fulfillment of the terms of the contract secured thereby, and not in conflict with this section. The thirty-day notice requirement under this subsection does not apply to claims made by the state for taxes, increases, and penalties specified in RCW 39.08.010.

(2) Under the job order contracting procedure described in RCW 39.10.420, bonds will be in an amount not less than the dollar value of all open work orders.

(3) Where retainage is not withheld pursuant to RCW 60.28.011(1)(b), upon final acceptance of the public works project, the state, county, municipality, or other public body must within thirty days notify the department of revenue, the employment security department, and the department of labor and industries of the completion of contracts over thirty-five thousand dollars.

Sec. 2. RCW 39.08.100 and 2005 c 101 s 1 are each amended to read as follows:

On contracts for construction, maintenance, or repair of a marine vessel, the department of transportation, a public transportation benefit area, a passenger-only ferry service district, or any county may permit, subject to specified format and conditions, the substitution of one or more of the following alternate forms of security in lieu of all or part of the bond: Certified check, replacement bond, cashier's check, treasury bills, an irrevocable bank letter of credit, assignment of a savings account, or other liquid assets specifically approved by the secretary of transportation ((~~or~~)), county engineer, or equivalent for a public transportation benefit area or a passenger-only ferry service district, for their respective projects. The secretary of transportation ((~~or~~)), county engineer, or equivalent for a public transportation benefit area or a passenger-only ferry service district, respectively, shall predetermine and include in the special provisions of the bid package the amount of this alternative form of security or bond, or a combination of the two, on a case-by-case basis, in an amount adequate to protect one hundred percent of the state's or county's exposure to loss. Assets used as an alternative form of security shall not be used to secure the bond. By October 1, 1989, the department shall develop and adopt rules under chapter 34.05 RCW that establish the procedures for determining the state's exposure to loss on contracts for construction, maintenance, or repair of a marine vessel. Prior to awarding any contract limiting security to the county's, public transportation benefit area's, or passenger-only ferry service district's exposure to loss, ((~~a county~~)) the governing board of the county or agency shall develop and adopt an ordinance or resolution that establishes the procedure for determining the county's or agency's exposure to loss on contracts for construction, maintenance, or repair of a marine vessel.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House February 13, 2018.
Passed by the Senate March 2, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 90

[Substitute House Bill 2342]

HUNTING AND FISHING LICENSE DONATIONS--DISABLED VETERANS

AN ACT Relating to establishing a donation program for resident disabled veterans to receive hunting and fishing licenses; and adding a new section to chapter 77.32 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 77.32 RCW to read as follows:

(1) In order to facilitate hunting and fishing opportunities for Washington state resident veterans who are eligible for reduced fishing and hunting license fees, based on a service-related disability, under RCW 77.32.480, the department may accept donations from the public so that resident disabled veterans, on a first-come, first-served basis, may elect to utilize a donation towards their purchase of hunting and fishing licenses.

(2) The director may take other actions consistent with facilitating hunting and fishing opportunities for disabled veterans. These actions may include, but are not limited to, entering into agreements with willing landowners pursuant to RCW 77.12.320.

(3) The department shall adopt rules to implement this section and to define the license products, to include the transaction and dealer fees, available for purchase using donated funds.

Passed by the House February 7, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 91

[Substitute House Bill 2367]

CHILD CARE COLLABORATIVE TASK FORCE

AN ACT Relating to establishing a child care collaborative task force; creating a new section; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) The department of commerce shall convene and facilitate a child care collaborative task force to examine the effects of child care affordability and accessibility on the workforce and on businesses. The director of the department of commerce or his or her designee must convene the first meeting of the task force by September 1, 2018.

(2) The task force shall develop policies and recommendations to incentivize employer-supported child care and improve child care access and affordability for employees. To accomplish its duties, the task force shall evaluate current available data including, but not limited to:

(a) Child care market rate survey reports, including data related to the geographic distribution of licensed child care providers and the demand for, cost, and availability of such providers;

(b) Best practices for employer-supported child care; and

(c) Research related to the economic and workforce impacts of employee access to high quality, affordable child care.

(3) The governor shall appoint additional voting task force members as follows:

(a) Five representatives of private business, including: One representative of a small business; one representative of a medium-sized business; one representative of a large business; and two chamber of commerce

representatives, one located east of the crest of the Cascade mountains and one located west of the crest of the Cascade mountains;

(b) One representative from a union representing child care providers;

(c) One representative from the statewide child care resource and referral network;

(d) One representative of an organization representing the interests of licensed child day care centers;

(e) One representative of a statewide nonprofit organization comprised of senior executives of major private sector employers;

(f) One representative of a nongovernmental private-public partnership supporting home visiting service delivery;

(g) One representative of a federally recognized tribe; and

(h) One representative from an association representing business interests.

(4) One representative from each of the following agencies shall serve as a nonvoting member of the task force and provide data and information to the task force upon request:

(a) The department of commerce;

(b) The department of children, youth, and families;

(c) The employment security department;

(d) The department of revenue;

(e) The department of social and health services; and

(f) The office of the governor.

(5) The president of the senate shall appoint one member to the task force from each of the two largest caucuses of the senate to serve as nonvoting members of the task force.

(6) The speaker of the house of representatives shall appoint one member to the task force from each of the two largest caucuses in the house of representatives to serve as nonvoting members of the task force.

(7) The governor shall appoint the following nonvoting members:

(a) Three representatives from the child care industry. At least one of the child care industry representatives must be a provider from a rural community. The three representatives must include: One licensed child day care center provider; one licensed family day care provider; and one representative of family, friend, and neighbor child care providers;

(b) Two representatives of economic development organizations, one located east of the crest of the Cascade mountains and one located west of the crest of the Cascade mountains;

(c) Four representatives of advocacy organizations representing parents, early learning, foster care youth, and expanded learning opportunity interests;

(d) One representative from an association representing statewide transit interests;

(e) One representative of an institution of higher education; and

(f) One representative of a nonprofit organization providing training and professional development for family day care providers and family, friend, and neighbor child care providers.

(8) The director of commerce or his or her designee may invite additional representatives to participate as nonvoting members of the task force.

(9) The task force chair and vice chair must be elected by a majority vote of voting task force members.

(10) Staff support for the task force must be provided by the department of commerce.

(11) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(12) In accordance with RCW 43.01.036 the task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2019. The report must include findings related to:

(a) Options for the state to incentivize the provision of:

(i) Employer-supported child care by public and private employers; and

(ii) Back-up child care by public and private employers;

(b) Opportunities for streamlining permitting and licensing requirements to facilitate the development and construction of child care facilities;

(c) Potential tax incentives for private businesses providing employer-supported child care;

(d) A model policy for the establishment of a "bring your infant to work" program for public and private sector employees; and

(e) Policy recommendations that address racial, ethnic, and geographic disparity and disproportionality in service delivery and accessibility to services for families.

(13) For the purposes of this section:

(a) "Back-up child care" means a temporary child care arrangement that is provided when normal child care arrangements are unavailable.

(b) "Employer-supported child care" includes:

(i) A licensed child care center operated at or near the workplace by an employer for the benefit of employees; or

(ii) Financial assistance provided by an employer for licensed child care expenses incurred by an employee.

(14) This section expires December 30, 2019.

Passed by the House February 9, 2018.
Passed by the Senate March 6, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 92

[Substitute House Bill 2424]

SELF-PRODUCED FUEL--USE TAX EXEMPTION--CORRECTION

AN ACT Relating to correcting the use tax exemption for self-produced fuel; amending 2017 3rd sp.s. c 28 s 605 (uncodified); creating new sections; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) This section is the tax preference performance statement for the tax preference contained in section 108, chapter 28, Laws of 2017 3rd sp. sess. This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to induce certain designated behavior by taxpayers and improve industry competitiveness, as indicated in RCW 82.32.808(2) (a) and (b).

(3) If a review finds that there is an increase in self-produced fuel as the result of this tax preference, then the legislature intends to extend the expiration date of this tax preference.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

Sec. 2. 2017 3rd sp.s. c 28 s 605 (uncodified) is amended to read as follows:

(1) Except as otherwise provided in this section, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(2) ((~~Part I~~)) Sections 101 through 106 of this act ((~~is~~)) are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take((~~s~~)) effect August 1, 2017.

(3) Section 213 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 23, 2017.

(4) Part III of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017.

(5) Sections 107 through 109 and 502 of this act take((~~s~~)) effect January 1, 2018.

NEW SECTION. **Sec. 3.** This act applies both retroactively to August 1, 2017, and prospectively.

NEW SECTION. **Sec. 4.** This act is exempt from the provisions of RCW 82.32.805(1)(a).

NEW SECTION. **Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House March 5, 2018.
Passed by the Senate March 2, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 93

[House Bill 2443]

FAMILY MEDICINE RESIDENCY NETWORK--WASHINGTON STATE UNIVERSITY

AN ACT Relating to adding the Washington State University college of medicine to the family medicine residency network; and amending RCW 70.112.010 and 70.112.080.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 70.112.010 and 2015 c 252 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory board" means the family medicine education advisory board created in RCW 70.112.080.

(2) "Affiliated" means established or developed in cooperation with the schools of medicine.

(3) "Health professional shortage areas" has the same definition as in RCW 28B.115.020.

(4) "Residency programs" means community-based residency educational programs in family medicine, either in existence or established under this chapter and that are certified by the accreditation council for graduate medical education or by the American osteopathic association.

(5) "Schools of medicine" means the University of Washington school of medicine located in Seattle, Washington; the Pacific Northwest University of Health Sciences located in Yakima, Washington; the Washington State University college of medicine located in Spokane, Washington; and any other such medical schools that are accredited by the liaison committee on medical education or the American osteopathic association's commission on osteopathic college accreditation, and that locate their entire four-year medical program in Washington.

Sec. 2. RCW 70.112.080 and 2015 c 252 s 6 are each amended to read as follows:

(1) There is created a family medicine education advisory board, which must consist of the following ((~~eleven~~)) twelve members:

(a) One member appointed by the dean of the school of medicine at the University of Washington school of medicine;

(b) One member appointed by the dean of the school of medicine at the Pacific Northwest University of Health Sciences;

(c) One member appointed by the dean of the college of medicine at Washington State University;

(d) Two citizen members, one from west of the crest of the Cascade mountains and one from east of the crest of the Cascade mountains, to be appointed by the governor;

((~~(d)~~)) (e) One member appointed by the Washington state medical association;

((~~(e)~~)) (f) One member appointed by the Washington osteopathic medical association;

((~~(f)~~)) (g) One member appointed by the Washington state academy of family physicians;

((~~(g)~~)) (h) One hospital administrator representing those Washington hospitals with family medicine residency programs, appointed by the Washington state hospital association;

((~~(h)~~)) (i) One director representing the directors of community-based family medicine residency programs, appointed by the family medicine residency network;

((~~(i)~~)) (j) One member of the house of representatives appointed by the speaker of the house; and

((~~(j)~~)) (k) One member of the senate appointed by the president of the senate.

(2) The ((~~two~~)) three members of the advisory board appointed by the deans of the schools and colleges of medicine shall serve as chairs of the advisory board.

(3) The cochairs of the advisory board, appointed by the deans of the schools of medicine, shall serve as permanent members of the advisory board without specified term limits. The deans of the schools of medicine have the authority to replace the chair representing their school. The deans of the schools of medicine shall appoint a new member in the event that the member representing their school vacates his or her position.

(4) Other members must be initially appointed as follows: Terms of the two public members must be two years; terms of the members appointed by the medical association and the hospital association must be three years; and the remaining members must be four years. Thereafter, terms for the nonpermanent members must be four years. Members may serve two consecutive terms. New appointments must be filled in the same manner as for original appointments. Vacancies must be filled for an unexpired term in the manner of the original appointment.

Passed by the House February 8, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 94

[Substitute House Bill 2634]

ANTIFOULING PAINTS

AN ACT Relating to antifouling paints on recreational water vessels; amending RCW 70.300.005, 70.300.010, and 70.300.020; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 70.300.005 and 2011 c 248 s 1 are each amended to read as follows:

Antifouling paints and coatings are necessary for the proper performance and preservation of boats and other marine craft. However, many of these substances contain copper, biocides, and other chemicals that are toxic to many aquatic organisms, including salmon. The legislature intends to phase out the use of copper-based and other antifouling paints and coatings that pose an undue threat to the environment when used on recreational water vessels. The legislature also intends to encourage the development of safer alternatives to traditional antifouling paints and coatings.

Sec. 2. RCW 70.300.010 and 2011 c 248 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

(2) "Director" means the director of the department of ecology.

(3)(a) "Recreational water vessel" means any vessel that is no more than sixty-five feet in length and is: (i) Manufactured or used primarily for pleasure; or (ii) leased, rented, or chartered by a person for the pleasure of that person.

(b) "Recreational water vessel" does not include a vessel that is subject to United States coast guard inspection and that: (i) Is engaged in commercial use; or (ii) carries paying passengers.

(4) "Wood boat" means a recreational water vessel with an external hull surface entirely constructed of wood planks or sheets. A vessel with a wood hull sheathed in a nonwood material, such as fiberglass, is not a "wood boat" for purposes of this chapter.

Sec. 3. RCW 70.300.020 and 2011 c 248 s 3 are each amended to read as follows:

(1) Beginning January 1, ((~~2018~~)) 2021, no manufacturer, wholesaler, retailer, or distributor may sell or offer for sale in this state any new recreational water vessel manufactured on or after January 1, ((~~2018~~)) 2021, with antifouling paint containing copper. This restriction does not apply to wood boats.

(2) Beginning January 1, ((~~2020, no~~)) 2021, antifouling paint that is intended for use on a recreational water vessel and that contains more than 0.5 percent copper may not be offered for sale in this state.

(3) Beginning January 1, ((~~2020, no~~)) 2021, antifouling paint containing more than 0.5 percent copper may not be applied to a recreational water vessel in this state. This restriction does not apply to wood boats.

NEW SECTION. **Sec. 4.** (1) By September 30, 2019, the department of ecology is directed to report to the legislature regarding the environmental impacts of antifouling paints and their ingredients, whether antifouling paints or their ingredients are causing environmental harm, safer alternatives to antifouling paints or ingredients found in antifouling paints, and recommendations as to whether changes to the existing regulation of antifouling paints are needed. The report may also include information about the advantages and disadvantages of using leaching rates as a regulatory standard. The department of ecology may include recommendations regarding the adoption of a leach rate standard but is not required to do so. The department of ecology shall specifically consider any new science with regard to the bioavailability and toxicity of antifouling ingredients, specifically including but not limited to copper and other biocides.

(2) In developing the report and recommendations in subsection (1) of this section, the department of ecology is directed to review risk assessments, scientific studies, and other relevant analyses regarding antifouling paints and coatings and their ingredients, including their environmental impacts and availability in Washington. The department of ecology shall consult with other affected state agencies and relevant stakeholders as appropriate.

(3) In developing the report and recommendations in subsection (1) of this section, the department of ecology is directed to conduct performance testing, modeling, alternatives assessments, and other related scientific studies as needed or appropriate. This subsection specifically includes, but is not limited to, Washington specific studies to inform regulatory standards for antifouling paints and coatings and their ingredients, such as a leaching standard.

(4) In developing the report and recommendations in subsection (1) of this section, the department of ecology is directed to consider any applicable data or other scientific information available about the sources of copper in Washington's marinas, including any available information related to upland sources of copper. This information may be included in the report, if appropriate.

(5) For the purposes of this section, "leach" or "leaching" means the release of antifouling chemicals from paint, coatings, or other substances.

NEW SECTION. **Sec. 5.** Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House February 8, 2018.
Passed by the Senate March 1, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 95

[Second Substitute House Bill 2671]
AGRICULTURAL INDUSTRY--BEHAVIORAL HEALTH

AN ACT Relating to improving the behavioral health of people in the agricultural industry; adding a new section to chapter 43.70 RCW; creating new sections; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) The legislature finds that the agricultural industry is an integral part of Washington's economy and sense of common identity, and that the behavioral health of workers in the industry and their family members is a statewide concern.

(2) Several factors related to the agricultural industry may affect the behavioral health of workers in the agricultural industry, including job-related isolation and demands, stressful work environments, the heightened potential for financial losses, lack of access to behavioral health services, and barriers to or unwillingness to seek mental health services.

(3) A 2016 report from the federal centers for disease control and prevention studied suicide data from the year 2012 and found that workers in the farming, fishing, and forestry industries had the highest rate of suicide, eighty-four and one-half suicides per one hundred thousand workers, among the occupational groups that it studied.

(4) The legislature finds that there is an urgent need to develop resources and interventions specifically targeted to helping workers in the agricultural industry and their family members manage their behavioral health needs.

NEW SECTION. **Sec. 2.** (1)(a) The state office of rural health shall convene a task force on behavioral health and suicide prevention in the agricultural industry with members as provided in this subsection.

(i) The secretary of health, or the secretary's designee;

(ii) The secretary of the department of agriculture, or the secretary's designee;

(iii) The secretary of the department of social and health services, or the secretary's designee;

(iv) A representative of Washington State University;

(v) A representative of an association that represents counties;

(vi) One representative each from two different associations representing both farm and ranch families in Washington;

(vii) A representative of the commission on Hispanic affairs established in chapter 43.115 RCW;

(viii) A representative of the dairy products commission established in chapter 15.44 RCW;

(ix) A representative of the grain commission established in chapter 15.115 RCW;

(x) A representative of the tree fruit research commission established in chapter 15.26 RCW;

(xi) A representative of an association representing rural health clinics;

(xii) A representative of an association representing federally qualified health centers;

(xiii) A representative of an association representing community behavioral health agencies;

(xiv) Two representatives of associations representing mental health providers; and

(xv) One representative of an association representing substance use disorder treatment providers.

(b) The task force shall select cochairs, one of which shall be from the department and the other shall be either representative from (a)(vi) of this subsection.

(2) The task force shall review the following issues:

(a) Data related to the behavioral health status of persons associated with the agricultural industry, including suicide rates, substance use rates, availability of behavioral health services, and utilization of behavioral health services;

(b) Factors unique to the agricultural industry that affect the behavioral health of persons working in the industry, including factors affecting suicide rates;

(c) Components that should be addressed in the behavioral health and suicide prevention pilot program established in section 3 of this act, including consideration of components that relate to similar programs funded or partially funded by the federal office of rural health policy; and

(d) Options to improve the behavioral health status of and reduce suicide risk among agricultural workers and their families, including individual focused and community focused strategies.

(3) Staff support for the task force shall be provided by the department.

(4) Task force members are not entitled to reimbursement for travel expenses if they are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other members is subject to chapter 43.03 RCW.

(5) The task force shall report its findings and recommendations to the governor and the committees of the legislature with jurisdiction over health care issues by December 1, 2018.

(6) This section expires July 1, 2019.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.70 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose not to exceed two hundred thousand dollars per fiscal year, the department shall establish a pilot program to support behavioral health improvement and suicide prevention efforts for members of the agricultural industry workforce. By March 1, 2019, the pilot program shall be established in a county west of the Cascade crest that is reliant on the agricultural industry.

(2) When implementing the pilot program, the department shall consider the report of the task force on behavioral health and suicide prevention in the agricultural industry established in section 2 of this act.

(3) In implementing the pilot program, the department shall contract with an entity that has behavioral health and suicide prevention expertise to develop a free resource for workers in the agricultural industry. When selecting an entity, the department shall seek to use an entity that has an existing telephonic and web-based resource, including entities that have prepared similar resources for other states. The contracting entity must be responsible for constructing and hosting the free resource and linking the free resource to the web sites of the department, the department of agriculture, and other relevant stakeholders.

(4) At a minimum, the free resource must:

(a) Be made publicly available through a web-based portal or a telephone support line;

(b) Provide a resource to train agricultural industry management, workers, and their family members in suicide risk recognition and referral skills;

(c) Provide a resource to build capacity within the agricultural industry to train individuals to deliver training in person;

(d) Contain model crisis protocols that address behavioral health crisis and suicide risk identification, intervention, reentry, and postvention;

(e) Contain model marketing materials and messages that promote behavioral health in the agricultural industry; and

(f) Be made available in English and Spanish.

(5) A preliminary report shall be made to the legislature on the elements and implementation of the pilot program by December 1, 2019. A final report containing information about results of the pilot program and recommendations for improving the pilot program and expanding its availability to other counties shall be made to the legislature by December 1, 2020.

Passed by the House February 13, 2018.
Passed by the Senate March 2, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 96

[House Bill 2699]

ALCOHOL MANUFACTURERS--FOOD STORAGE WAREHOUSE LICENSE

AN ACT Relating to exempting alcohol manufacturers from the food storage warehouse license; and amending RCW 69.10.020.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 69.10.020 and 1995 c 374 s 11 are each amended to read as follows:

(1) A food storage warehouse that is inspected for compliance with the current good manufacturing practices (Title 21 C.F.R. part 110) on at least an annual basis by an independent sanitation consultant approved by the department ((~~shall be exempted from licensure~~)) is not required to be licensed under this chapter. A report identifying the inspector and the inspecting entity, the date of the inspection, and any violations noted on such inspection shall be forwarded to the department by the food storage warehouse within sixty days of the completion of the inspection. An inspection shall be conducted and an inspection report for a food storage warehouse shall be filed with the department at least once every twelve months or the warehouse shall be licensed under this chapter and inspected by the department for a period of two years.

(2) A food storage warehouse used to store alcohol beverages manufactured or distributed under a license issued pursuant to chapter 66.24 RCW is not required to be licensed under this chapter, provided alcohol beverages are the only food stored in the warehouse.

Passed by the House February 8, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 97

[Substitute House Bill 2703]

EDUCATION EMPLOYEES--UNEMPLOYMENT BENEFITS--HOURS AND WAGES

AN ACT Relating to clarifying hours and wages for education employee compensation claims; amending RCW 50.44.050, 50.44.053, and 50.44.055; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 50.44.050 and 2001 c 100 s 2 are each amended to read as follows:

Except as otherwise provided in subsections (1) through ((~~(4)~~)) (5) of this section, benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title.

(1) Benefits based on ((~~any and all~~)) service in an instructional, research, or principal administrative capacity for ((~~any and all~~)) an educational institution((~~s~~)) shall not be paid to an individual for any week of unemployment which commences during the period between two successive academic years or between two successive academic terms within an academic year (or, when an agreement provides instead for a similar period between two regular but not successive terms within an academic year, during such period) if such individual performs such services in the first of such academic years or terms and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for ((~~any~~)) an educational institution in the second of such academic years or terms. ((~~Any employee of a common school district who is presumed to be reemployed pursuant to RCW 28A.405.210 shall be deemed to have a contract for the ensuing term.~~))

(2) Benefits shall not be paid based on ((~~any and all~~)) services in any other capacity for ((~~any and all~~)) an educational institution((~~s~~)) for any week of

unemployment which commences during the period between two successive academic years or between two successive academic terms within an academic year, if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms: PROVIDED, That if benefits are denied to any individual under this subsection and that individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, the individual is entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subsection.

(3) Benefits shall not be paid based on any services described in subsections (1) and (2) of this section for any week of unemployment which commences during an established and customary vacation period or holiday recess if such individual performs such services for ((~~any~~)) an educational institution in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services for ((~~any~~)) an educational institution in the period immediately following such vacation period or holiday recess.

(4) Benefits shall not be paid (as specified in subsections (1), (2), or (3) of this section) based on any services described in subsections (1) or (2) of this section to any individual who performed such services in any educational institution while in the employ of an educational service district which is established pursuant to chapter 28A.310 RCW and exists to provide services to local school districts.

(5) When an individual performs services for more than one educational institution in an academic year or term, wages earned by the individual from those educational institutions that do not provide a contract or reasonable assurance of employment in the subsequent academic year or term may be used to establish a claim for benefits, even if a contract or reasonable assurance exists for another educational institution.

(6) As used in this section, "academic year" means: Fall, winter, spring, and summer quarters or comparable semesters unless, based upon objective criteria including enrollment and staffing, the quarter or comparable semester is not in fact a part of the academic year for the particular institution.

Sec. 2. RCW 50.44.053 and 2001 c 99 s 2 are each amended to read as follows:

(1) The ((~~term "reasonable assurance," as used in RCW 50.44.050, means a written, verbal, or implied agreement that the employee will perform services in the same capacity during the ensuing academic year or term as in the first academic year or term. A person shall not be deemed to be performing services "in the same capacity" unless those services are rendered under the same terms or conditions of employment in the ensuing year as in the first academic year or term.~~

~~(2) An individual who is tenured or holds tenure track status is considered to have reasonable assurance, unless advised otherwise by the college. For the purposes of this section, tenure track status means a probationary faculty employee having an opportunity to be reviewed for tenure.~~

~~(3) In the case of community and technical colleges assigned the standard industrial classification code 8222 or the North American industry classification system code 611210 for services performed in a principal administrative, research, or instructional capacity, a person is presumed not to have reasonable assurance under an offer that is conditioned on enrollment, funding, or program changes. It is the college's burden to provide sufficient documentation to overcome this presumption.~~)) following prerequisite requirements must be met before making a determination about whether there is a "contract," under RCW 50.44.050, or "reasonable assurance," under RCW 50.44.050 and 50.44.055:

(a) The offer of employment may be written, verbal, or implied, and must be made by an individual with actual authority to offer employment;

(b) The offer of employment provides that the employee will perform services in the same capacity during the ensuing academic year or term (or remainder of the current academic year or term) as in the first academic year or term; and

(c) The economic conditions of the offer of employment may not be considerably less in the following academic year or term (or portion thereof) than in the first academic year or term (or portion thereof). "Considerably less" includes the condition that the individual will not earn at least ninety percent of the wages earned in the prior academic year or term.

(2) If all prerequisite requirements in subsection (1) of this section are satisfied, the department must determine if a contract exists. If any prerequisite in subsection (1) of this section is not satisfied, the department may not deny the claimant unemployment compensation based on the between and within term denial provisions. The term "contract," as that term is used in this section and RCW 50.44.050, means an enforceable, noncontingent agreement that provides for compensation for an entire academic year or on an annual basis. If a contract exists, the claimant may be subject to a denial of benefits.

(3) If no contract exists, the department must determine if the claimant has "reasonable assurance." The following factors will be considered in determining if an individual has "reasonable assurance," as that term is used in this section, RCW 50.44.050, and 50.44.055. For reasonable assurance to exist, each factor must be satisfied.

(a) If any contingencies in the employment offer are within the employer's control the claimant will not be considered to have reasonable assurance of employment. Contingencies within the employer's control include, but are not limited to:

(i) Course programming;

(ii) Funding allocation decisions;

(iii) Final course offerings; and

(iv) Facility availability.

(b) If contingencies are not within the employer's control, the department must determine whether it is highly probable the contingencies contained within the offer will be satisfied. Primary weight will be given to the contingent nature of an offer of employment.

(c) Reasonable assurance must be determined on a case-by-case basis ((~~by the total weight of evidence~~)) considering the totality of circumstances rather than on the existence of any one factor. ((~~Primary weight must be given to the contingent nature of an offer of employment based on enrollment, funding, and~~

~~program changes.~~)) For an individual to have reasonable assurance of employment, the totality of the circumstances must show that it is highly probable that employment will be available in the next academic year or term, and that the contingencies of that employment will be satisfied.

(4) An individual who is tenured or holds tenure track status is considered to have reasonable assurance, unless advised otherwise by the college. For the purposes of this section, tenure track status means a probationary faculty employee having an opportunity to be reviewed for tenure.

Sec. 3. RCW 50.44.055 and 2001 c 99 s 1 are each amended to read as follows:

The legislature finds the interests of the state and its citizens are best served by a strong ((~~community and technical college~~)) education system. ((~~As described by their establishing legislation, these two-year institutions are an independent, unique, and vital section of our state's higher education system, separate from both the common school system and other institutions of higher education.~~)) Paramount to that system's success is the attraction and retention of qualified instructors. In order to attract and retain instructors, those who are subject to uncertainties of employment must be provided assurance that their economic needs are addressed. ((~~Over time, a change in hiring patterns has occurred, and for the last decade a substantial portion of community and technical college faculty are hired on a contingent, as needed, basis. That contingent nature distinguishes them from the more stable, majority employment found in the common school system and in the other institutions of higher education.~~)) Contingent assurances of future employment are often speculative and do not rise to the level of other forms of assurance. As such, ((~~assurances conditioned on forecast enrollment, funding, or program decisions are typically not reasonable assurances of employment~~)) the factors presented in RCW 50.44.053 must be used to determine if reasonable assurance of employment exists.

It is the intent of the legislature that reasonable assurance continue to apply to all employees of educational institutions as required by federal provisions and RCW 50.44.080.

NEW SECTION. **Sec. 4.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and this finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. **Sec. 5.** 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. 6.** This act applies to claimed weeks of unemployment on or after October 1, 2018.

Passed by the House February 8, 2018.
Passed by the Senate February 27, 2018.

Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 98

[Engrossed House Bill 2759]
WOMEN'S COMMISSION

AN ACT Relating to establishing the Washington state women's commission; adding a new chapter to Title 43 RCW; creating new sections; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that it is important to achieve equal opportunity for all of its citizens. The legislature finds that women face unique problems and needs. For economic, social, and historical reasons, a disproportionate number of women find themselves disadvantaged or isolated from the benefits of equal opportunity. It is the purpose of this chapter to improve the well-being of women, by enabling them to participate fully in all fields of endeavor, assisting them in obtaining governmental services, and promoting equal compensation and fairness in employment for women. The legislature also believes that addressing women's issues and improving the well-being of women will have a positive impact on larger societal issues. The legislature further finds that the development of public policy and the efficient delivery of governmental services to meet the needs of women can be improved by establishing a focal point in state government for the interests of women. Therefore, the legislature deems it necessary to establish in statute the Washington state women's commission to further these purposes. The commission shall address issues relevant to the problems and needs of women, such as domestic violence, child care, child support, sexual discrimination, sexual harassment, equal compensation and job pathways opportunities in employment, and the specific needs of women of color.

NEW SECTION. **Sec. 2.** The Washington state women's commission is established in the office of the governor. The commission shall be administered by an executive director, who shall be appointed by, and serve at the pleasure of, the governor. The governor shall set the salary of the executive director. The executive director shall employ the staff of the commission.

NEW SECTION. **Sec. 3.** (1) The Washington state women's commission shall consist of nine members appointed by the governor with the advice and consent of the senate.

(2) The governor shall consider nominations for membership based upon maintaining a balanced and diverse distribution of ethnic, geographic, gender, sexual orientation, age, socioeconomic status, and occupational representation, where practicable.

(3) All commission members shall serve at the pleasure of the governor, but in no case may any member serve more than three years without formal reappointment by the governor. All legislative advisory members shall serve for a two-year term and the position of any legislative advisory member shall be deemed vacated whenever such member ceases to be a member of the house from which the member was appointed. Of the persons initially appointed by the governor to the commission, three shall be appointed to serve one year, three to

serve two years, and three to serve three years. Upon expiration of such terms, subsequent appointments shall be for three years. Any vacancies occurring in the membership of the commission shall be filled for the remainder of the unexpired term in the same manner as the original appointments.

(4) Two members of the senate, one from each of the two major political parties, appointed by the president of the senate, and two members of the house of representatives, one from each of the two major political parties, appointed by the speaker of the house of representatives, shall serve as advisory members.

(5)(a) Nonlegislative members shall be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

(b) Legislative members shall be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 44.04.120.

(6) A simple majority of the commission's membership constitutes a quorum for the purpose of conducting business.

NEW SECTION. **Sec. 4.** The director of the Washington state women's commission shall:

(1) Monitor state legislation and advocate for legislation affecting women;

(2) Work with state agencies to assess programs and policies that affect women;

(3) Coordinate with the minority commissions and human rights commission to address issues of mutual concern; and

(4) Work as a liaison between the public and private sector to eliminate barriers to women's economic equity.

NEW SECTION. **Sec. 5.** (1) The Washington state women's commission shall have the following duties:

(a) Actively recruit and maintain a list of names of qualified women to fill vacancies on various boards and commissions;

(b) Provide a clearinghouse for information regarding both state and federal legislation as it relates to the purpose of this chapter;

(c) Identify and define specific needs of women of color and provide recommendations for addressing those needs in the biennial report to the legislature and governor under (j) of this subsection;

(d) Consult with state agencies regarding the effect of agency policies, procedures, practices, laws, and administrative rules on the unique problems and needs of women. The commission shall also advise such state agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on those problems and needs;

(e) Provide resource and referral information to agencies and the public. The commission may gather data and disseminate information to the public in order to implement the purposes of this chapter;

(f) Hold public hearings to gather input on issues related to the unique problems and needs of women. The commission must include in the biennial report submitted under (j) of this subsection the input received and recommendations for addressing the problems and needs discussed at the public hearings;

(g) Advocate for removal of legal and social barriers for women;

(h) Review best practices for sexual harassment policies and training and provide recommendations to state agencies as they update their sexual harassment policies. The commission shall also maintain a file of sexual harassment policies that meet high quality standards and make these files available for agency use;

(i) Review and make recommendations to the legislature on strategies to increase the number of women serving on for-profit corporate boards with gross income of five million dollars or more; and

(j) Submit a report to the appropriate committees of the legislature and the governor every two years detailing the commission's activities. The report submitted must be in electronic format pursuant to RCW 43.01.036.

(2) State agencies must provide appropriate and reasonable assistance to the commission as needed, including gathering data and information, in order for the commission to carry out the purpose of this chapter.

NEW SECTION. **Sec. 6.** The Washington state women's commission shall have the following powers:

(1) Receive gifts, grants, and endowments from public or private sources that are made for the use or benefit of the commission and to expend the same or any income therefrom according to their terms and the purpose of this chapter. The commission's executive director shall make a report of such funds received from private sources to the office of financial management on a regular basis. Such funds received from private sources shall not be applied to reduce or substitute for the commission's budget as appropriated by the legislature, but shall be applied and expended toward projects and functions authorized by this chapter that were not funded by the legislature.

(2) In carrying out its duties, the commission may establish such relationships with public and private institutions, local governments, private industry, community organizations, and other segments of the general public as may be needed to promote equal opportunity for women in government, education, economic security, employment, and services.

(3) The commission may adopt rules and regulations pursuant to chapter 34.05 RCW as shall be necessary to implement the purpose of this chapter.

NEW SECTION. **Sec. 7.** The Washington state women's commission must provide staffing support to the interagency committee of state employed women, a volunteer organization that aims to better the lives of state employees by advising the governor and agencies on policies that affect state employed women.

NEW SECTION. **Sec. 8.** On August 26, 1920, with the action of the Tennessee legislature, the Nineteenth Amendment to the United States Constitution was ratified, establishing the right to vote for most American women. However, this right for some women occurred later: Native Americans generally by 1924; many Asians during the mid-twentieth century; and many others following enactment of voting rights legislation during the 1960s.

The introduction, passage, and ratification of the Nineteenth Amendment were the result of decades of work and struggle by women's voting rights advocates throughout the United States, with people from Washington state providing significant leadership.

In 1854, six years after the landmark women's rights convention in Seneca Falls, New York, the Washington territorial legislature initially considered enacting women's right to vote. Susan B. Anthony visited Washington territory in 1871 and addressed the Washington territorial legislature, the first woman in the country to address a state legislative body in session. This spurred the creation of many women's right to vote associations in Washington and other states.

State women's right to vote legislation eventually passed the Washington territorial legislature twice, but each time was found unconstitutional by the territorial supreme court. With the 1910 approval of a state constitutional amendment by the male voters of the state, Washington became the first state in the twentieth century, and the fifth state overall, to enact women's right to vote at the state level.

In 2009, the state of Washington posthumously awarded its highest honor, the medal of merit, to the two key leaders of the Washington women's right to vote movement, Emma Smith DeVoe and May Arkwright Hutton.

The path to women's suffrage was blazed by western states. Washington's action (1910) followed Wyoming (1890), Colorado (1893), Utah (1870), and Idaho (1896). These successes were immediately followed by California (1911) and Oregon (1912), in establishing women's right to vote.

Washington was a major leader in the movement for nationwide women's right to vote. Washington was the first state in the twentieth century to fully enfranchise women and inspired the nationwide campaign that soon brought success in many western states and the territory of Alaska, culminating in the Nineteenth Amendment to the United States Constitution providing for American women throughout the country to vote.

In 2010, the Washington women's history consortium provided leadership for statewide commemoration of the centennial of Washington state women's right to vote, sponsoring and coordinating a wide range of statewide activities.

The centennial of the passage of the Nineteenth Amendment to the United States Constitution, in 2020, offers still greater opportunities for Washingtonians to commemorate and educate themselves and future generations about the importance of voting and civic engagement. Washingtonians and the many visitors to Washington will benefit from learning about and becoming inspired by the historic efforts of the women's right to vote movement in Washington and throughout the nation and the subsequent impacts on life in Washington and the United States.

Therefore, the legislature finds it beneficial to begin the process of preparing for statewide commemoration from 2018 through 2020, of the centennial of the processes of congressional passage of and states' legislative ratification of the Nineteenth Amendment to the United States Constitution, which established the right to vote for American women.

NEW SECTION. **Sec. 9.** (1) The women's commission must, subject to the availability of amounts appropriated for this specific purpose, work with the Washington women's history consortium to:

(a) Provide leadership for statewide commemoration from 2018 through 2020 of the centennial pertaining to the passage by congress of the Nineteenth Amendment and its subsequent ratification by three-fourths of the state legislatures in August 1920;

(b) Immediately begin preparations for this statewide commemoration, to include but not be limited to:

(i) Consulting with a wide variety of organizations, institutions, public agencies, educational agencies and institutions, tourism organizations, and the general public about the content and conduct of this statewide commemoration;

(ii) Developing and encouraging others to develop a broad range of widely available educational opportunities for Washingtonians generally, students, and visitors, including significant online educational resources, to:

(A) Learn about the importance of voting in the context of women gaining the right to vote;

(B) Consider the subsequent long-term impacts of women gaining the right to vote;

(C) Learn about the active leadership role of Washingtonians in achieving the nationwide right to vote for women;

(D) Honor the countless participants in the women's suffrage movement; and

(E) Inspire future generations to treasure their right to vote;

(iii) Planning, coordinating, and publicizing events and informational materials for Washingtonians and visitors throughout the state commemorating this centennial;

(c) Create and distribute a portfolio of public humanities programs, and encourage others to do so, to engage Washingtonians and visitors with important aspects of the women's right to vote movement;

(d) Encourage private organizations, schools, institutions of higher education, public agencies, and local governments to organize and participate in activities commemorating the centennial of the Nineteenth Amendment to the United States Constitution;

(e) Coordinate with the regional and national organizations and agencies with respect to their commemorative work;

(f) Coordinate with the national collaborative for women's history sites by contributing a Washington component to the development of a nationwide votes for women trail; and

(g) Administer a grant program for public agencies, educational institutions, and organizations exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code to assist with their commemoration activities.

(2) The women's commission has the following powers and may exercise them as necessary to carry out its duties under subsection (1) of this section:

(a) Appoint task forces and advisory committees;

(b) Work with staff appointed by the Washington state historical society; and

(c) Enter into agreements or contracts.

(3) Legislative members serving on any task force or advisory committee created under this section must be reimbursed for travel expenses in accordance with RCW 44.04.120.

(4) Representatives of state and local governments serving on any task force or advisory committee created under this section must be reimbursed pursuant to the reimbursement policies of their respective entity.

(5) Nonlegislative members serving on any task force or advisory committee created under this section are not entitled to be reimbursed for travel

expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

NEW SECTION. **Sec. 10.** Sections 1 through 7 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 11.** Sections 8 and 9 of this act expires July 1, 2021.

Passed by the House March 5, 2018.
Passed by the Senate March 1, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 99

[House Bill 2851]

MILITARY LEAVE--SHIFTS MORE THAN ONE DAY

AN ACT Relating to clarifying the calculation of military leave for officers and employees that work shifts spanning more than one calendar day; and amending RCW 38.40.060.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 38.40.060 and 2010 c 91 s 1 are each amended to read as follows:

(1) Every officer and employee of the state or of any county, city, or other political subdivision thereof who is a member of the Washington national guard or of the army, navy, air force, coast guard, or marine corps reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted military leave of absence from such employment for a period not exceeding twenty-one days during each year beginning October 1st and ending the following September 30th in order that the person may report for required military duty, training, or drills including those in the national guard under Title 10 U.S.C., Title 32 U.S.C., or state active status.

(2) Such military leave of absence shall be in addition to any vacation or sick leave to which the officer or employee might otherwise be entitled, and shall not involve any loss of efficiency rating, privileges, or pay.

(3) During the period of military leave, the officer or employee shall receive from the state, or the county, city, or other political subdivision, his or her normal pay.

(4)(a) The officer or employee shall be charged military leave only for days that he or she is scheduled to work for the state or the county, city, or other political subdivision.

(b) If the officer or employee is scheduled to work a shift that begins on one calendar day and ends on the next calendar day, the officer or employee shall be charged military leave for only the first calendar day. If the officer or employee is scheduled to work a shift that begins on one calendar day and ends later than the next calendar day, the officer or employee shall be charged military leave for each calendar day except the calendar day on which the shift ends.

Passed by the House February 7, 2018.
Passed by the Senate February 28, 2018.
Approved by the Governor March 15, 2018.

Filed in Office of Secretary of State March 16, 2018.

CHAPTER 100

[Engrossed House Bill 2948]

STATE ROUTES--CITY AND TOWN RESPONSIBILITIES--POPULATION

AN ACT Relating to the responsibilities for state routes in cities or towns; and amending RCW 47.24.020.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 47.24.020 and 2007 c 84 s 1 are each amended to read as follows:

The jurisdiction, control, and duty of the state and city or town with respect to such streets is as follows:

(1) The department has no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the commission;

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes. However, within incorporated cities and towns the title to a state limited access highway vests in the state, and, notwithstanding any other provision of this section, the department shall exercise full jurisdiction, responsibility, and control to and over such facility as provided in chapter 47.52 RCW;

(3) The department has authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and has the right to construct such additional underground facilities as may be necessary in such streets. However, pavement trenching and restoration performed as part of installation of such facilities must meet or exceed requirements established by the department;

(5) The city or town has the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction. Pavement trenching and restoration performed under a privilege granted by the city under this subsection must meet or exceed requirements established by the department;

(6) Except as otherwise provided in subsection (17) of this section, the city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway. In cities and towns having a population of twenty-((~~five~~)) seven thousand five hundred or less according to the latest determination of population by the office of financial management, the state, when necessary for public safety, shall assume, at its expense, responsibility for the stability of the slopes of cuts and fills and the embankments within the right-of-way to protect the roadway itself. When the population of a city or town first exceeds twenty-((~~five~~)) seven thousand five hundred according to the determination of population by the office

of financial management, the city or town shall have three years from the date of the determination to plan for additional staffing, budgetary, and equipment requirements before being required to assume the responsibilities under this subsection. The state shall install, maintain, and operate all illuminating facilities on any limited access facility, together with its interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance, and operation incurred after November 1, 1954;

(7) The department has the right to use all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the department, the cost of the facilities shall be borne by the state and/or city as may be mutually agreed upon between the department and the governing body of the city or town;

(8) Cities and towns have exclusive right to grant franchises not in conflict with state laws and rules, over, beneath, and upon such streets, but the department is authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town has granted on such street. No franchise for transportation of passengers in motor vehicles may be granted on such streets without the approval of the department, but the department shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility must require the grantee or permittee to restore, repair, and replace any portion of the street damaged or injured by it to conditions that meet or exceed requirements established by the department;

(10) The city or town has the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the department;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted by a city or town relating to speed, parking, and traffic control devices on such streets not identical to state law relating thereto are subject to the approval of the department before becoming effective. All regulations pertaining to speed, parking, and traffic control devices relating to such streets heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the department heretofore or within one year after March 21, 1963;

(12) The department shall erect, control, and maintain at state expense all route markers and directional signs, except street signs, on such streets;

(13) Except as otherwise provided in subsection (17) of this section, the department shall install, operate, maintain, and control at state expense all traffic control signals, signs, and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of twenty-((~~five~~)) seven thousand five hundred or less according to the latest determination of population by the office of financial management. Such cities and towns may submit to the department a plan for traffic control signals, signs, and traffic control devices desired by them, indicating the location, nature of installation, or type thereof, or a proposed amendment to such an existing plan or installation, and the department shall consult with the cities or towns concerning the plan before

installing such signals, signs, or devices. Cities and towns having a population in excess of twenty-((~~five~~)) seven thousand five hundred according to the latest determination of population by the office of financial management shall install, maintain, operate, and control such signals, signs, and devices at their own expense, subject to approval of the department for the installation and type only. When the population of a city or town first exceeds twenty-((~~five~~)) seven thousand five hundred according to the determination of population by the office of financial management, the city or town shall have three years from the date of the determination to plan for additional staffing, budgetary, and equipment requirements before being required to assume the responsibilities under this subsection. For the purpose of this subsection, striping, lane marking, and channelization are considered traffic control devices;

(14) All revenue from parking meters placed on such streets belongs to the city or town;

(15) Rights-of-way for such streets shall be acquired by either the city or town or by the state as shall be mutually agreed upon. Costs of acquiring rights-of-way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may be mutually agreed upon. Title to all such rights-of-way so acquired shall vest in the city or town: PROVIDED, That no vacation, sale, rental, or any other nontransportation use of any unused portion of any such street may be made by the city or town without the prior written approval of the department; and all revenue derived from sale, vacation, rental, or any nontransportation use of such rights-of-way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared;

(16) If any city or town fails to perform any of its obligations as set forth in this section or in any cooperative agreement entered into with the department for the maintenance of a city or town street forming part of the route of a state highway, the department may notify the mayor of the city or town to perform the necessary maintenance within thirty days. If the city or town within the thirty days fails to perform the maintenance or fails to authorize the department to perform the maintenance as provided by RCW 47.24.050, the department may perform the maintenance, the cost of which is to be deducted from any sums in the motor vehicle fund credited or to be credited to the city or town;

(17) The population thresholds identified in subsections (6) and (13) of this section shall be increased as follows:

(a) Thirty thousand on July 1, 2023;

(b) Thirty-two thousand five hundred on July 1, 2028; and

(c) Thirty-five thousand on July 1, 2033.

Passed by the House February 13, 2018.

Passed by the Senate March 1, 2018.

Approved by the Governor March 15, 2018.

Filed in Office of Secretary of State March 16, 2018.

CHAPTER 101

[Substitute House Bill 2951]

MISSING NATIVE AMERICAN WOMEN--STUDY

AN ACT Relating to increasing services to report and investigate missing Native American women; creating new sections; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that Native American women experience violence at much higher rates than other populations. A recent federal study reported that Native American women face murder rates over ten times the national average. However, many of these crimes often are unsolved and even unreported because there are also very high rates of disappearances among Native American women. Furthermore, there is no comprehensive data collection system for reporting or tracking missing Native American women. This gap in reporting and investigation places Native American women even more vulnerable to violence.

The legislature further finds that although violence against Native American women has been a neglected issue in society, there is a growing awareness of this crisis of violence against Native American women, and a recognition of the need for the criminal justice system to better serve and protect Native American women. The legislature intends to find ways to connect state, tribal, and federal resources to create partnerships in finding ways to solve this crisis facing Native American women in our state.

NEW SECTION. **Sec. 2.** (1) The Washington state patrol must conduct a study to determine how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native American women in the state. The state patrol must work with the governor's office of Indian affairs to convene meetings with tribal and local law enforcement partners, federally recognized tribes, and urban Indian organizations to determine the scope of the problem, identify barriers, and find ways to create partnerships to increase reporting and investigation of missing Native American women. Consultation and collaboration with federally recognized tribes must be conducted in respect for government-to-government relations. The state patrol also must work with the federal department of justice to increase information sharing and coordinating resources that can focus on reporting and investigating missing Native American women in the state.

(2) By June 1, 2019, the state patrol must report to the legislature on the results of the study, including data and analysis of the number of missing Native American women in the state, identification of barriers in providing state resources to address the issue, and recommendations, including any proposed legislation that may be needed to address the problem.

(3) This section expires December 31, 2019.

Passed by the House March 3, 2018.

Passed by the Senate March 1, 2018.

Approved by the Governor March 15, 2018.

Filed in Office of Secretary of State March 16, 2018.

CHAPTER 102

[Substitute House Bill 2998]

ACCOUNTABLE COMMUNITIES OF HEALTH--DEMONSTRATION PROJECT FUNDS--BUSINESS AND OCCUPATION TAX

AN ACT Relating to providing a business and occupation tax exemption for accountable communities of health; adding a new section to chapter 82.04 RCW; creating new sections; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) This section is the tax preference performance statement for the tax preference contained in section 2, chapter . . ., Laws of 2018 (section 2 of this act). The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to reduce structural inefficiencies in the tax structure under RCW 82.32.808(2)(d).

(3) The legislature acknowledges the importance of accountable communities of health under RCW 41.05.800 in aligning actions to achieve healthy communities and populations, improving health care quality, and lowering costs. It is the legislature's intent to remedy inconsistencies in the tax structure by allowing accountable communities of health to deduct certain funds as amounts subject to business and occupation tax in order to ensure accountable communities of health receive tax relief similar to other nonprofit or public-private health care organizations.

NEW SECTION. **Sec. 2.** A new section is added to chapter 82.04 RCW to read as follows:

(1) An accountable community of health may deduct from the measure of tax delivery system reform incentive payments distributed by the Washington state health care authority, as described in Sec. 1115 medicaid demonstration project number 11-W-00304/0, approved by the centers for medicare and medicaid services in accordance with Sec. 1115(a) of the social security act.

(2) A hospital that is owned by a municipal corporation or political subdivision, or a hospital that is affiliated with a state institution, may deduct from the measure of tax delivery system reform incentive payments received through the project described in Sec. 1115 medicaid demonstration project number 11-W-00304/0, approved by the centers for medicare and medicaid services in accordance with Sec. 1115(a) of the social security act.

(3) For the purpose of this section, "accountable community of health" means an entity designated by the health care authority as a community of health under RCW 41.05.800 and any additional accountable communities of health authorized by the health care authority as part of its federal innovation waiver.

NEW SECTION. **Sec. 3.** The deductions in section 2 of this act apply only with respect to amounts received on or after the effective date of section 2 of this act by an accountable community of health or a hospital that is owned by a municipal corporation or political subdivision.

NEW SECTION. **Sec. 4.** The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

NEW SECTION. **Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House March 8, 2018.
Passed by the Senate March 7, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 103

[Engrossed Substitute Senate Bill 5143]

NONPROFIT HOMEOWNERSHIP DEVELOPMENT--PROPERTY TAXES

AN ACT Relating to the exemption of property taxes for nonprofit homeownership development; amending RCW 84.36.049; amending 2016 c 217 s 1 (uncodified); creating a new section; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. 2016 c 217 s 1 (uncodified) is amended to read as follows:

(1) This section is the tax preference performance statement for the tax preference contained in this act. This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) It is the legislature's specific public policy objective to encourage and expand the ability of nonprofit low-income housing developers to provide homeownership opportunities for low-income households. It is the legislature's intent to exempt from taxation real property owned by a nonprofit entity for the purpose of building residences to be sold, or, in the case of land, to be leased for life or ninety-nine years, to low-income households in order to enhance the ability of nonprofit low-income housing developers to purchase and hold land for future affordable housing development.

(4)(a) To measure the effectiveness of the tax preference provided in section 2 of this act in achieving the specific public policy objectives described in subsection (3) of this section, the joint legislative audit and review committee must evaluate, two years prior to the expiration of the tax preference: (i) The annual growth in the percentage of revenues dedicated to the development of affordable housing, for each nonprofit claiming the preference, for the period that the preference has been claimed; and (ii) the annual changes in both the total number of parcels qualifying for the exemption and the total number of parcels for which owner occupancy notifications have been submitted to the department of revenue, from June 9, 2016, through the most recent year of available data prior to the committee's review.

(b) If the review by the joint legislative audit and review committee finds that for most of the nonprofits claiming the exemption, program spending, program expenses, or another ratio representing the percentage of the nonprofit entity's revenues dedicated to the development of affordable housing has

increased for the period during which the exemption was claimed, then the legislature intends to extend the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to:

(a) Initial applications for the preference as approved by the department of revenue under RCW 84.36.815;

(b) Owner occupancy notices reported to the department of revenue under section 2 of this act;

(c) Annual financial statements for a nonprofit entity claiming this tax preference, as defined in section 2 of this act, and provided by nonprofit entities claiming this preference; and

(d) Any other data necessary for the evaluation under subsection (4) of this section.

Sec. 2. RCW 84.36.049 and 2016 c 217 s 2 are each amended to read as follows:

(1) All real property owned by a nonprofit entity for the purpose of developing or redeveloping on the real property one or more residences to be sold to low-income households including land to be leased as provided in subsection (8)(d)(ii) of this section, is exempt from state and local property taxes.

(2) The exemption provided in this section expires on or at the earlier of:

(a) The date on which the nonprofit entity transfers title to the ((~~real property~~)) single-family dwelling unit;

(b) The date on which the nonprofit entity executes a lease of land described in subsection (8)(d)(ii) of this section;

(c) The end of the seventh consecutive property tax year for which the property is granted an exemption under this section or, if the nonprofit entity has claimed an extension under subsection (3) of this section, the end of the tenth consecutive property tax year for which the property is granted an exemption under this section; or

((~~(c)~~)) (d) The property is no longer held for the purpose for which the exemption was granted.

(3) If the nonprofit entity believes that title to the ((~~real property~~)) single-family dwelling unit will not be transferred by the end of the sixth consecutive property tax year, the nonprofit entity may claim a three-year extension of the exemption period by:

(a) Filing a notice of extension with the department on or before March 31st of the sixth consecutive property tax year; and

(b) Providing a filing fee equal to the greater of two hundred dollars or one-tenth of one percent of the real market value of the property as of the most recent assessment date with the notice of extension. The filing fee must be deposited into the state general fund.

(4)(a) If the nonprofit entity has not transferred title to the ((~~real property~~)) single-family dwelling unit to a low-income household within the applicable period described in subsection (2)(c) of this section, or if the nonprofit entity has converted the property to a purpose other than the purpose for which the exemption was granted, the property is disqualified from the exemption.

(b) Upon disqualification, the county treasurer must collect an additional tax equal to all taxes that would have been paid on the property but for the existence

of the exemption, plus interest at the same rate and computed in the same way as that upon delinquent property taxes.

(c) The additional tax must be distributed by the county treasurer in the same manner in which current property taxes applicable to the subject property are distributed. The additional taxes and interest are due in full thirty days following the date on which the treasurer's statement of additional tax due is issued.

(d) The additional tax and interest is a lien on the property. The lien for additional tax and interest has priority to and must be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the property may become charged or liable. If a nonprofit entity sells or transfers real property subject to a lien for additional taxes under this subsection, such unpaid additional taxes must be paid by the nonprofit entity at the time of sale or transfer. The county auditor may not accept an instrument of conveyance unless the additional tax has been paid. The nonprofit entity or the new owner may appeal the assessed values upon which the additional tax is based to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(5) Nonprofit entities receiving an exemption under this section must immediately notify the department when the exempt real property becomes occupied. The notice of occupancy made to the department must include a certification by the nonprofit entity that the occupants are a low-income household and a date when the title to the ((~~real property~~)) single-family dwelling unit was or is anticipated to be transferred. The department of revenue must make the notices of occupancy available to the joint legislative audit and review committee, upon request by the committee, in order for the committee to complete its review of the tax preference in this section.

(6) Upon cessation of the exemption, the value of new construction and improvements to the property, not previously considered as new construction, must be considered as new construction for purposes of calculating levies under chapter 84.55 RCW. The assessed value of the property as it was valued prior to the beginning of the exemption may not be considered as new construction upon cessation of the exemption.

(7) Nonprofit entities receiving an exemption under this section must provide annual financial statements to the joint legislative audit and review committee, upon request by the committee, for the years that the exemption has been claimed. The nonprofit entity must identify the line or lines on the financial statements that comprise the percentage of revenues dedicated to the development of affordable housing.

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

(a) "Financial statements" means an audited annual financial statement and a completed United States treasury internal revenue service return form 990 for organizations exempt from income tax.

(b) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the property is located.

(c) "Nonprofit entity" means a nonprofit as defined in RCW 84.36.800 that is exempt from federal income taxation under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended.

(d) "Residence" means:

(i) A single-family dwelling unit whether such unit be separate or part of a multiunit dwelling((~~, including the land on which such dwelling stands~~)); and

(ii) The land on which a dwelling unit described in (d)(i) of this subsection (8) stands, whether to be sold, or to be leased for life or ninety-nine years, to the low-income household owning such dwelling unit.

(9) The department may not accept applications for the initial exemption in this section after December 31, 2027. The exemption in this section may not be approved for and does not apply to taxes due in 2038 and thereafter.

(10) This section expires January 1, 2038.

NEW SECTION. **Sec. 3.** This act applies to taxes levied for collection in 2019 and thereafter.

Passed by the Senate March 5, 2018.
Passed by the House March 1, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 104

[Senate Bill 6179]

PUBLIC SERVICE COMPANIES--REPORTING REQUIREMENTS--PENALTIES

AN ACT Relating to the annual reporting requirements for regulated utility and transportation companies; amending RCW 80.04.080 and 81.04.080; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 80.04.080 and 1989 c 107 s 1 are each amended to read as follows:

(1) Every public service company shall annually furnish to the commission a report in such form as the commission may require, and shall specifically answer all questions ((~~propounded~~)) posed to it by the commission((~~, upon or concerning which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor and the manner of payment for same, the dividends paid, the surplus fund, if any, and the number of stockholders, the funded and floating debts and the interest paid thereon, the cost and value of the company's property, franchises and equipment, the number of employees and the salaries paid each class, the accidents to employees and other persons and the cost thereof, the amounts expended for improvements each year, how expended and the character of such improvements, the earnings or receipts from each franchise or business and from all sources, the proportion thereof earned from business moving wholly within the state and the proportion earned from interstate business, the operating and other expenses and the proportion of such expense incurred in transacting business wholly within the state, and proportion incurred in transacting interstate business, such division to be shown according to such rules of division as the commission may prescribe, the balances of profit and loss, and a complete exhibit of the financial operations of the company each year, including an annual~~

~~balance sheet. Such report shall also contain such information in relation to rates, charges or regulations concerning charges, or agreements, arrangements or contracts affecting the same, as~~)). The commission may ((~~require; and the commission may, in its discretion, for the purpose of enabling it the better to carry out the provisions of this title,~~)) prescribe ((~~the period of time within which all public service companies subject to the provisions of this title shall have, as near as may be,~~)) a uniform system of accounts, and the manner in which such accounts shall be kept. Such detailed report shall contain all the required statistics for the period of twelve months ending on the last day of any particular month prescribed by the commission for any public service company. Such reports shall be made out under oath and filed with the commission at its office in Olympia on such date as the commission specifies by rule, unless additional time ((~~be~~)) is granted ((~~in any case~~)) by the commission.

(2) Any public service company that fails to file an annual report in the form and within the time required by the commission, including payment of any regulatory fee due, is subject to the following:

(a) Monetary penalties of:

(i) Two hundred fifty dollars for reports filed one to thirty days past the due date;

(ii) Five hundred dollars for reports filed thirty-one to sixty days past the due date;

(iii) One thousand dollars for reports filed sixty-one to ninety days past the due date; or

(b) Upon notice by the commission, cancellation or revocation of its operating authority and additional penalties pursuant to RCW 80.04.380 and 80.04.405.

(3) The commission may waive penalties when a public service company is able to sufficiently demonstrate that its failure to file an annual report in the form and within the time required was due to circumstances beyond its control. Requests for any such waiver must be received within fifteen days of the date a penalty is assessed.

(4) The commission shall have authority to require any public service company to file monthly reports of earnings and expenses, and to file periodical or special, or both periodical and special, reports concerning any matter about which the commission is authorized or required by this or any other law, to inquire into or keep itself informed about, or which it is required to enforce, such periodical or special reports to be under oath whenever the commission so requires.

Sec. 2. RCW 81.04.080 and 2007 c 234 s 5 are each amended to read as follows:

(1) Every public service company shall annually furnish to the commission a report in such form as the commission may require, and shall specifically answer all questions ((~~propounded~~)) posed to it by the commission. The commission may prescribe ((~~the period of time within which all public service companies subject to this title must have, as near as may be,~~)) a uniform system of accounts, and the manner in which the accounts must be kept. The detailed report must contain all the required statistics for the period of twelve months ending on the last day of any particular month prescribed by the commission for any public service company. The reports must be made out under oath and filed

with the commission at its office in Olympia on a date the commission specifies by rule, unless additional time is granted by the commission.

(2) Any public service company that fails to file an annual report in the form and within the time required by the commission, including payment of any regulatory fee due, is subject to the following:

(a) Monetary penalties of:

(i) Two hundred fifty dollars for reports filed one to thirty days past the due date;

(ii) Five hundred dollars for reports filed thirty-one to sixty days past the due date;

(iii) One thousand dollars for reports filed sixty-one to ninety days past the due date; or

(b) Upon notice by the commission, cancellation or revocation of its operating authority and additional penalties pursuant to RCW 81.04.380 and 81.04.405.

(3) The commission may waive penalties when a public service company is able to sufficiently demonstrate that its failure to file an annual report in the form and within the time required was due to circumstances beyond its control. Requests for any such waiver must be received within fifteen days of the date a penalty is assessed.

(4) The commission may require any public service company to file monthly reports of earnings and expenses, and to file periodical or special reports, or both, concerning any matter the commission is authorized or required, by this or any other law, to inquire into or keep itself informed about, or which it is required to enforce, the periodical or special reports to be under oath whenever the commission so requires.

Passed by the Senate February 7, 2018.
Passed by the House March 2, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 105

[Senate Bill 6218]

TRAILER WEIGHT AND LENGTH--FAST ACT COMPLIANCE

AN ACT Relating to bringing the state into compliance with the federal FAST act; and amending RCW 46.44.030.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 46.44.030 and 2017 c 76 s 2 are each amended to read as follows:

(1) It is unlawful for any person to operate upon the public highways of this state any vehicle having an overall length, with or without load, in excess of forty feet. This restriction does not apply to (((~~(1)~~))) (a) a municipal transit vehicle, (((~~(2)~~))) (b) auto stage, private carrier bus, school bus, or motor home with an overall length not to exceed forty-six feet, (((~~(3)~~))) (c) an articulated auto stage with an overall length not to exceed sixty-one feet, excluding a bike rack up to four feet in length, or (((~~(4)~~))) (d) an auto recycling carrier up to forty-two feet in length manufactured prior to 2005.

(2)(a) It is unlawful for any person to operate upon the public highways of this state any combination consisting of a tractor and semitrailer that has a semitrailer length in excess of fifty-three feet or a combination consisting of a tractor and two trailers in which the combined length of the trailers exceeds sixty-one feet, with or without load.

(b) The restriction under this subsection does not apply to two trailers or semitrailers with a total weight that does not exceed twenty-six thousand pounds and when the two trailers or semitrailers do not carry property but constitute inventory property of a manufacturer, distributor, or dealer of such trailers. The total combination under this subsection (2)(b) may not exceed eighty-two feet of overall length.

(3) It is unlawful for any person to operate on the highways of this state any combination consisting of a truck and trailer, or log truck and stinger-steered pole trailer, with an overall length, with or without load, in excess of seventy-five feet. "Stinger-steered," as used in this section, means the coupling device is located behind the tread of the tires of the last axle of the towing vehicle.

((~~These~~)) (4)(a) The length limitations under this section do not apply to vehicles transporting poles, pipe, machinery, or other objects of a structural nature that cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties, but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

(b) Excluded from the calculation of length under this section are certain devices that provide added safety, energy conservation, or are otherwise necessary, and are not designed or used to carry cargo. The length-exclusive devices must be identified in rules adopted by the department of transportation under RCW 46.44.101.

Passed by the Senate February 9, 2018.
Passed by the House March 1, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 106

[Senate Bill 6319]

PRODUCE SAFETY RULE--IMPLEMENTATION

AN ACT Relating to implementing the federal produce safety rule; amending RCW 42.56.380; and adding a new chapter to Title 15 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** INTENT. The purpose of this chapter is to assist Washington produce farmers in implementation of the produce safety rule adopted by the United States food and drug administration pursuant to the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 301 et seq., as amended by the federal food safety modernization act (P.L. 111-353).

NEW SECTION. **Sec. 2.** FEDERAL LAW REFERENCE. A reference to a federal statute in this chapter means the statute and its implementing regulations

existing on the effective date of this section or as updated by the department by rule.

NEW SECTION. **Sec. 3.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Farm" means the same as "farm" in 21 C.F.R. Sec. 112.

(2) "Produce" means the same as "produce" in 21 C.F.R. Sec. 112.

(3) "Produce safety rule" means the standards for the growing, harvesting, packing, and holding of produce for human consumption adopted by the United States food and drug administration as a final rule on November 27, 2015 (80 Federal Register 74353 et seq.) and codified in 21 C.F.R. Parts 11, 16, and 112.

NEW SECTION. **Sec. 4.** FEDERAL COOPERATION PROGRAM. The department may take actions necessary to cooperate in implementation of the produce safety rule including, but not limited to, entering into cooperative agreements with the United States food and drug administration, conducting the compliance verification activities under section 6 of this act, enforcing regulatory compliance, and accepting federal funding to carry out such activities. The department may cooperate with the United States food and drug administration in implementation of the produce safety rule only to the extent that the department receives federal funding for such activities.

NEW SECTION. **Sec. 5.** VOLUNTARY COMPLIANCE PROGRAM. (1) The department may establish a voluntary program for farms exempt or partially exempt from the produce safety rule to verify that such farms comply with the rule. This includes, but is not limited to, conducting the compliance verification activities under section 6 of this act.

(2) Farms participating in the voluntary compliance program must bear the cost of the program. The director must periodically adopt, by rule, fees of no more than is necessary to defray costs of compliance verification activities and program administration.

NEW SECTION. **Sec. 6.** COMPLIANCE VERIFICATION ACTIVITIES. The department may take the following actions to verify produce farm compliance with the produce safety rule.

(1) Maintain a database of produce farms that are covered by the produce safety rule, exempt from the rule, or eligible for a qualified exemption;

(2) In compliance with law and at reasonable times, enter produce farms solely for the purpose of this chapter to:

(a) Sample and test water for microbial water quality criteria;

(b) Inspect and sample biological soil amendments, storage areas, and fields for compliance with microbial criteria;

(c) Inspect application of biological soil amendments to evaluate contact or potential contact with produce;

(d) Inspect for the presence and management of domesticated and wild animals; and

(e) Inspect equipment, tools, and buildings for adequate sanitation; and

(3) Require and receive records and data submitted by produce farms to verify compliance with the produce safety rule.

NEW SECTION. **Sec. 7.** DEPARTMENT'S EXISTING AUTHORITY. This chapter does not alter or impair the department's authority for regulating food in intrastate commerce under chapter . . . RCW (chapter 69.04 RCW as

recodified by chapter . . ., Laws of 2018) (House Bill No. . . . or Senate Bill No. . . .). The department may use its authority for regulating food in intrastate commerce under chapter . . . RCW (chapter 69.04 RCW as recodified by chapter . . ., Laws of 2018) (House Bill No. . . . or Senate Bill No. . . .) to carry out and enforce the provisions of this chapter. For the purposes of this chapter, farms subject to the produce safety rule are engaged in intrastate commerce of food.

NEW SECTION. **Sec. 8.** RULE MAKING. (1) The department must adopt rules as necessary to implement the purpose and provisions of this chapter.

(2) By rule, the director may adopt a subsequent version of a federal statute or regulation referenced in this chapter.

NEW SECTION. **Sec. 9.** DISPOSITION OF FUNDS. A produce safety account is hereby established in the agricultural local fund established in RCW 43.23.230. All moneys received under this chapter must be paid into the produce safety account and used solely to carry out the produce safety programs.

NEW SECTION. **Sec. 10.** CERTAIN RECORDS NOT SUBJECT TO PUBLIC DISCLOSURE. (1) Any information or record obtained directly from the federal government or from others under a contract with the federal government is exempt from public inspection and copying under chapter 42.56 RCW if the information or record is exempt from disclosure under federal law including, but not limited to, the federal freedom of information act.

(2) Any portion of a record obtained by the department pursuant to this chapter is exempt from public inspection and copying under chapter 42.56 RCW if it is personal financial information, proprietary data, or trade secrets and the person submitting the record to the department has designated the information as personal financial information, proprietary data, or trade secrets.

Sec. 11. RCW 42.56.380 and 2012 c 168 s 1 are each amended to read as follows:

The following information relating to agriculture and livestock is exempt from disclosure under this chapter:

(1) Business-related information under RCW 15.86.110;

(2) Information provided under RCW 15.54.362;

(3) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.115, 15.100, 15.89, and 16.67 RCW or required by the department of agriculture to administer these chapters or the department's programs;

(4) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture;

(5) Financial and commercial information and records supplied by persons (a) to the department of agriculture for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; or (b) to the department of agriculture or commodity boards or commissions formed under chapter 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.115, 15.100,

15.89, or 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information;

(6) Information obtained regarding the purchases, sales, or production of an individual American ginseng grower or dealer, except for providing reports to the United States fish and wildlife service under RCW 15.19.080;

(7) Information collected regarding packers and shippers of fruits and vegetables for the issuance of certificates of compliance under RCW 15.17.140(2) and 15.17.143;

(8) Financial statements obtained under RCW 16.65.030(1)(d) for the purposes of determining whether or not the applicant meets the minimum net worth requirements to construct or operate a public livestock market;

(9) Information submitted by an individual or business to the department of agriculture under the requirements of chapters 16.36, 16.57, and 43.23 RCW for the purpose of herd inventory management for animal disease traceability. This information includes animal ownership, numbers of animals, locations, contact information, movements of livestock, financial information, the purchase and sale of livestock, account numbers or unique identifiers issued by government to private entities, and information related to livestock disease or injury that would identify an animal, a person, or location. Disclosure to local, state, and federal officials is not public disclosure. This exemption does not affect the disclosure of information used in reportable animal health investigations under chapter 16.36 RCW once they are complete;

(10) Results of testing for animal diseases from samples submitted by or at the direction of the animal owner or his or her designee that can be identified to a particular business or individual;

(11) Records of international livestock importation that can be identified to a particular animal, business, or individual received from the United States department of homeland security or the United States department of agriculture that are not disclosable by the federal agency under federal law including 5 U.S.C. Sec. 552; ((~~and~~))

(12) Records related to the entry of prohibited agricultural products imported into Washington state or that had Washington state as a final destination received from the United States department of homeland security or the United States department of agriculture that are not disclosable by the federal agency under federal law including 5 U.S.C. Sec. 552; and

(13) Information obtained from the federal government or others under contract with the federal government or records obtained by the department of agriculture, in accordance with section 10 of this act.

NEW SECTION. **Sec. 12.** This chapter may be known and cited as the produce safety rule implementation act.

NEW SECTION. **Sec. 13.** Sections 1 through 10 and 12 of this act constitute a new chapter in Title 15 RCW.

Passed by the Senate February 13, 2018.

Passed by the House February 28, 2018.

Approved by the Governor March 15, 2018.

Filed in Office of Secretary of State March 16, 2018.

CHAPTER 107

[Substitute Senate Bill 6519]

MARINE PILOTAGE TARIFFS

AN ACT Relating to revising the establishment of marine pilotage tariffs; amending RCW 53.08.390, 88.16.035, 88.16.070, 88.16.120, 88.16.130, and 88.16.061; adding a new section to chapter 88.16 RCW; adding a new chapter to Title 81 RCW; creating a new section; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 88.16 RCW to read as follows:

(1) The utilities and transportation commission shall under sections 7 through 12 of this act periodically, but not more frequently than annually, establish the pilotage tariffs for pilotage services provided under this chapter: PROVIDED, That the utilities and transportation commission may establish extra compensation for extra services to vessels in distress, for awaiting vessels, for all vessels in direct transit to or from a Canadian port where Puget Sound pilotage is required for a portion of the voyage, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the commission: PROVIDED FURTHER, That as an element of the Puget Sound pilotage district tariff, the utilities and transportation commission may consider pilot retirement expenses incurred in the prior year in the Puget Sound pilotage district. However, under no circumstances shall the state be obligated to fund or pay for any portion of retirement payments for pilots or retired pilots.

(2) By December 1, 2018, the utilities and transportation commission shall submit to the transportation committees of the legislature any additional statutory changes necessary to implement this act.

(3) By July 1, 2020, the utilities and transportation commission shall provide a report to the governor and the transportation committees of the legislature regarding matters pertaining to establishing tariffs under this section that includes a comparison of the process and outcomes in relation to the recommendations made in the January 2018 joint transportation committee Washington state pilotage final report and recommendations.

Sec. 2. RCW 53.08.390 and 2010 c 8 s 16003 are each amended to read as follows:

A countywide port district located in part or in whole within the Grays Harbor pilotage district, as defined by RCW 88.16.050(2), may commence pilotage service with the following powers and subject to the conditions contained in this section.

(1) Persons employed to perform the pilotage service of a port district must be licensed under chapter 88.16 RCW to provide pilotage.

(2) Before establishing pilotage service, a port district shall give at least sixty days' written notice to the chair of the board of pilotage commissioners to provide pilotage.

(3) A port district providing pilotage service under this section requiring additional pilots may petition the board of pilotage commissioners to qualify and license as a pilot a person who has passed the examination and is on the waiting

list for the training program for the district. If there are no persons on the waiting list, the board shall solicit applicants and offer the examination.

(4) In addition to the power to employ or contract with pilots, a port district providing pilotage services under this section has such other powers as are reasonably necessary to accomplish the purpose of this section including, but not limited to, providing through ownership or contract pilots launches, dispatcher services, or ancillary tug services required for operations or safety.

(5)(a) A port district providing pilotage services under this section may recommend to the utilities and transportation commission tariffs for pilotage services provided under chapter 88.16 RCW, and may recommend to the board of pilotage commissioners rules of service governing its pilotage services for consideration and adoption consistent with RCW 88.16.035. The rules of service, rates, and tariffs ((~~governing its pilotage services for consideration and adoption pursuant to RCW 88.16.035. The rules, rates, and tariffs~~)) recommended by the port district must have been approved in open meetings of the port district ((~~ten~~)) thirty or more days after published notice in a newspaper of general circulation and after mailing a copy of the notice to: (i) The utilities and transportation commission for rate and tariff consideration, or (ii) the chair of the board of pilotage commissioners for rules of service consideration. The port district shall release its pilotage budget, including the five year capital spending plan, prior year pilotage financial statement, and the proposed pilotage tariff, no later than thirty days prior to a public hearing. The port district shall receive public comments for thirty days before the port district commission may approve and recommend the pilotage tariff, rates, or rules of service.

(b) The port district must include a charge in its tariff until such time as the pilot retirement agreement expenses for Grays Harbor pilotage district pilots employed prior to October 1, 2001, are no longer owed. The port district shall determine the charge owed as pilot retirement agreement expenses. The charge must be sufficient to cover costs associated with the pilot retirement agreement expenses for Grays Harbor pilots employed prior to October 1, 2001. The revenue collected from the charge must be deposited into an account maintained by the port district solely for the pilot retirement agreement expenses of the Grays Harbor pilots employed prior to October 1, 2001. Under no circumstances shall the port district be obligated to fund or pay for any portion of the retirement agreement expenses for Grays Harbor pilots employed prior to October 1, 2001.

(6) A pilot providing pilotage services under this section must comply with all requirements of the pilotage act, chapter 88.16 RCW, and all rules adopted thereunder.

Sec. 3. RCW 88.16.035 and 2009 c 496 s 1 are each amended to read as follows:

(1) The board of pilotage commissioners shall:

(a) Adopt rules, pursuant to chapter 34.05 RCW, necessary for the enforcement and administration of this chapter;

(b)(i) Issue training licenses and pilot licenses to pilot applicants meeting the qualifications provided for in RCW 88.16.090 and such additional qualifications as may be determined by the board;

(ii) Establish a comprehensive training program to assist in the training and evaluation of pilot applicants before final licensing; and

(iii) Establish additional training requirements, including a program of continuing education developed after consultation with pilot organizations, including those located within the state of Washington, as required to maintain a competent pilotage service;

(c) Maintain a register of pilots, records of pilot accidents, and other history pertinent to pilotage;

(d) Determine from time to time the number of pilots necessary to be licensed in each district of the state to optimize the operation of a safe, fully regulated, efficient, and competent pilotage service in each district;

(e) ((~~Annually fix the pilotage tariffs for pilotage services provided under this chapter: PROVIDED, That the board may fix extra compensation for extra services to vessels in distress, for awaiting vessels, for all vessels in direct transit to or from a Canadian port where Puget Sound pilotage is required for a portion of the voyage, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the board: PROVIDED FURTHER, That as an element of the Puget Sound pilotage district tariff, the board may consider pilot retirement plan expenses incurred in the prior year in either pilotage district. However, under no circumstances shall the state be obligated to fund or pay for any portion of retirement payments for pilots or retired pilots~~)) Provide assistance to the utilities and transportation commission, as requested by the utilities and transportation commission, in its performance of pilotage tariff setting functions under sections 7 through 12 of this act;

(f) File annually with the governor and the chairs of the transportation committees of the senate and house of representatives a report which includes, but is not limited to, the following: The number, names, ages, pilot license number, training license number, and years of service as a Washington licensed pilot of any person licensed by the board as a Washington state pilot or trainee; the names, employment, and other information of the members of the board; the total number of pilotage assignments by pilotage district, including information concerning the various types and sizes of vessels and the total annual tonnage; the annual earnings or stipends of individual pilots and trainees before and after deduction for expenses of pilot organizations, including extra compensation as a separate category; the annual expenses of private pilot associations, including personnel employed and capital expenditures; the status of pilotage tariffs, extra compensation, and travel; the retirement contributions paid to pilots and the disposition thereof; the number of groundings, marine occurrences, or other incidents which are reported to or investigated by the board, and which are determined to be accidents, as defined by the board, including the vessel name, location of incident, pilot's or trainee's name, and disposition of the case together with information received before the board acted from all persons concerned, including the United States coast guard; the names, qualifications, time scheduled for examinations, and the district of persons desiring to apply for Washington state pilotage licenses; summaries of dispatch records, quarterly reports from pilots, and the bylaws and operating rules of pilotage organizations; the names, sizes in deadweight tons, surcharges, if any, port of call, name of the pilot or trainee, and names and horsepower of tug boats for any and all oil tankers subject to the provisions of RCW 88.16.190 together with the names of any and all vessels for which the United States coast guard requires special handling pursuant to their authority under the Ports and Waterways Safety Act of

1972; the expenses of the board; and any and all other information which the board deems appropriate to include;

(g) Make available information that includes the pilotage act and other statutes of Washington state and the federal government that affect pilotage, including the rules of the board, together with such additional information as may be informative for pilots, agents, owners, operators, and masters;

(h) Appoint advisory committees and employ marine experts as necessary to carry out its duties under this chapter;

(i) Provide for the maintenance of efficient and competent pilotage service on all waters covered by this chapter; and do such other things as are reasonable, necessary, and expedient to insure proper and safe pilotage upon the waters covered by this chapter and facilitate the efficient administration of this chapter.

(2) The board may pay stipends to pilot trainees under subsection (1)(b) of this section.

Sec. 4. RCW 88.16.070 and 2017 c 88 s 1 are each amended to read as follows:

Every vessel not exempt under this section that operates in the waters of the Puget Sound pilotage district or Grays Harbor pilotage district is subject to compulsory pilotage under this chapter.

(1) A United States vessel on a voyage in which it is operating exclusively on its coastwise endorsement, its fishery endorsement (including catching and processing its own catch outside United States waters and economic zone for delivery in the United States), and/or its recreational (or pleasure) endorsement, and all United States and Canadian vessels engaged exclusively in the coasting trade on the west coast of the continental United States (including Alaska) and/or British Columbia shall be exempt from the provisions of this chapter unless a pilot licensed under this chapter be actually employed, in which case the pilotage rates provided for in this chapter or established under sections 7 through 12 of this act shall apply.

(2) The board may, upon the written petition of any interested party, and upon notice and opportunity for hearing, grant an exemption from the provisions of this chapter to any vessel that the board finds is (a) a small passenger vessel that is not more than one thousand three hundred gross tons (international), does not exceed two hundred feet in overall length, is manned by United States-licensed deck and engine officers appropriate to the size of the vessel with merchant mariner credentials issued by the United States coast guard or Canadian deck and engine officers with Canadian-issued certificates of competency appropriate to the size of the vessel, and is operated exclusively in the waters of the Puget Sound pilotage district and lower British Columbia, or (b) a yacht that is not more than one thousand three hundred gross tons (international) and does not exceed two hundred feet in overall length. Such an exemption shall not be detrimental to the public interest in regard to safe operation preventing loss of human lives, loss of property, and protecting the marine environment of the state of Washington. Such petition shall set out the general description of the vessel, the contemplated use of same, the proposed area of operation, and the name and address of the vessel's owner. The board shall annually, or at any other time when in the public interest, review any exemptions granted to this specified class of small vessels to insure that each exempted vessel remains in compliance with the original exemption. The board

shall have the authority to revoke such exemption where there is not continued compliance with the requirements for exemption. The board shall maintain a file which shall include all petitions for exemption, a roster of vessels granted exemption, and the board's written decisions which shall set forth the findings for grants of exemption. Each applicant for exemption or annual renewal shall pay a fee, payable to the pilotage account. Fees for initial applications and for renewals shall be established by rule, and shall not exceed one thousand five hundred dollars. The board shall report annually to the legislature on such exemptions.

(3) Every vessel not exempt under subsection (1) or (2) of this section shall, while navigating the Puget Sound and Grays Harbor pilotage districts, employ a pilot licensed under the provisions of this chapter and shall be liable for and pay pilotage rates in accordance with the pilotage rates herein established or which may hereafter be established under the provisions of this chapter or under sections 7 through 12 of this act: PROVIDED, That any vessel inbound to or outbound from Canadian ports is exempt from the provisions of this section, if said vessel actually employs a pilot licensed by the Pacific pilotage authority (the pilot licensing authority for the western district of Canada), and if it is communicating with the vessel traffic system and has appropriate navigational charts, and if said vessel uses only those waters east of the international boundary line which are west of a line which begins at the southwestern edge of Point Roberts then to Alden Point (Patos Island), then to Skipjack Island light, then to Turn Point (Stuart Island), then to Kellet Bluff (Henry Island), then to Lime Kiln (San Juan Island) then to the intersection of one hundred twenty-three degrees seven minutes west longitude and forty-eight degrees twenty-five minutes north latitude then to the international boundary. The board shall correspond with the Pacific pilotage authority from time to time to ensure the provisions of this section are enforced. If any exempted vessel does not comply with these provisions it shall be deemed to be in violation of this section and subject to the penalties provided in RCW 88.16.150 as now or hereafter amended and liable to pilotage fees as determined by the board. The board shall investigate any accident on the waters covered by this chapter involving a Canadian pilot and shall include the results in its annual report.

Sec. 5. RCW 88.16.120 and 1987 c 485 s 4 are each amended to read as follows:

No pilot shall charge, collect or receive and no person, firm, corporation or association shall pay for pilotage or other services performed hereunder any greater, less or different amount, directly or indirectly, than the rates or charges herein established or ((~~which may be hereafter fixed~~)) subsequently established by the utilities and transportation commission under sections 7 through 12 of this act and by the board ((~~pursuant to~~)) under this chapter. Any pilot, person, firm, corporation or association violating the provisions of this section shall be guilty of a misdemeanor and shall be punished pursuant to RCW 88.16.150 as now or hereafter amended, said prosecution to be conducted by the attorney general or the prosecuting attorney of any county wherein the offense or any part thereof was committed.

Sec. 6. RCW 88.16.130 and 2013 c 23 s 533 are each amended to read as follows:

Any person not holding a license as pilot under the provisions of this chapter who pilots any vessel subject to the provisions of this chapter on waters covered by this chapter shall pay to the board the pilotage rates ((~~payable under the provisions of this chapter~~)) established by the utilities and transportation commission under sections 7 through 12 of this act. Any master or owner of a vessel required to employ a pilot licensed under the provisions of this chapter who refuses to do so when such a pilot is available shall be punished pursuant to RCW 88.16.150 as now or hereafter amended and shall be imprisoned in the county jail of the county wherein he or she is so convicted until said fine and the costs of his or her prosecution are paid.

NEW SECTION. **Sec. 7.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the board of pilotage commissioners.

(2) "Commission" means the utilities and transportation commission.

(3) "Person with a substantial interest" means: (a) A pilot or group of pilots licensed under chapter 88.16 RCW; (b) a vessel operator or other person utilizing the services of a licensed pilot and paying pilotage fees and charges for such services or an organization representing such vessel operators or persons; and (c) any other person or business that can show that the requested tariff changes would be likely to have a substantial economic impact on its operations.

NEW SECTION. **Sec. 8.** (1) The commission shall establish in tariffs the rates for pilotage services provided under chapter 88.16 RCW.

(2) The commission shall maintain a list of persons who have indicated to the commission a desire to be notified of any potential change in pilotage tariffs and in any proposed rules regarding the setting of pilotage tariffs.

(3) The commission shall ensure that the tariffs provide rates that are fair, just, reasonable, and sufficient for the provision of pilotage services.

(4) In setting tariffs, the commission may fix extra compensation for extra services to vessels in distress, for awaiting vessels, for all vessels in direct transit to or from a Canadian port where Puget Sound pilotage is required for a portion of the voyage, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the board. In setting tariffs, the commission must include a tariff surcharge to fund the stipend the board of pilotage commissioners is authorized to pay to pilot trainees and to use in its pilot training program under RCW 88.16.035. As an element of the Puget Sound pilotage district tariff, the commission may consider pilot retirement expenses incurred in the prior year in the Puget Sound pilotage district. However, under no circumstances shall the state be obligated to fund or pay for any portion of retirement payments for pilots or retired pilots.

(5) In exercising duties under this section, the commission may:

(a) Request assistance from the board;

(b) Assign an administrative law judge to handle the proceeding and prepare an initial order, which the commission may review pursuant to RCW 34.05.464, or assign an administrative law judge as a facilitator for settlement purposes; and

(c) Adopt rules or issue orders to implement the provisions of this act.

NEW SECTION. **Sec. 9.** (1) Any person with a substantial interest may file with the commission a revised tariff with an effective date no earlier than

thirty days from the date of filing and no earlier than one year following the effective date the tariffs in effect at the time of filing were established.

(2) The proposed tariff must be accompanied by:

(a) The names and contact information of the person or persons requesting the tariff revision;

(b) A description of why the existing tariffs are not fair, just, reasonable, and sufficient, along with financial information to demonstrate a need for the tariff revision and information addressing the criteria for approval of tariff revisions set forth in section 8(3) of this act;

(c) If the petitioner proposes a tariff with an annual or periodic adjustment mechanism, information justifying such a mechanism; and

(d) Any other information required by the commission by rule or by order.

(3) After receipt of a proper petition, the commission shall give notice of the petition to interested persons that have stated a desire to be notified pursuant to section 8(2) of this act. Any person with a substantial interest in the proposed tariff revision may submit comments in support or opposition of the petition within twenty days of the notice.

(4) The filed tariff shall take effect on its stated effective date unless, within thirty days of filing of the tariff, the commission suspends it. The commission may suspend the tariff for a period not exceeding ten months from the time the change would otherwise go into effect. During that time, the commission may set the matter for a hearing pursuant to chapter 34.05 RCW or set the matter for consideration at a subsequent open public meeting.

(5) The burden of proof to show that the tariff rates are not fair, just, reasonable, and sufficient is upon the person with a substantial interest that files the revised tariff.

NEW SECTION. **Sec. 10.** The commission shall encourage alternative forms of dispute resolution to resolve disputes between an association or group of pilots and any other person regarding matters covered by this chapter.

NEW SECTION. **Sec. 11.** The tariffs established by the board prior to the effective date of this section shall remain in effect and be deemed pilotage tariffs set by the commission until such time as they are changed by the commission pursuant to this chapter.

NEW SECTION. **Sec. 12.** The commission may include as part of the tariff for pilotage services provided under chapter 88.16 RCW reasonable costs for the setting of tariff rates under this chapter. The costs of the commission included as part of the tariff must be appropriated from the pilotage account in RCW 88.16.061.

Sec. 13. RCW 88.16.061 and 2008 c 128 s 17 are each amended to read as follows:

((~~The account in the general fund designated in RCW 43.79.330(17) as the "Puget Sound pilotage account" is hereby redesignated as the "pilotage account".~~))

The pilotage account is ((~~hereby redesignated as a nonappropriated account, and is therefore~~)) created in the ((~~custody of the~~)) state ((~~treasurer. All receipts designated, credited, or transferred to the pilotage account must be deposited into the account~~)) treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes

of the board of pilotage commissioners as prescribed under this chapter((~~. Only the board or the board's designee may authorize expenditures from the account~~)) and by the utilities and transportation commission for purposes related to pilotage tariff rate setting. The account is subject to allotment procedures under chapter 43.88 RCW((~~, but an appropriation is not required for expenditures~~)).

NEW SECTION. **Sec. 14.** Sections 7 through 12 of this act constitute a new chapter in Title 81 RCW.

NEW SECTION. **Sec. 15.** To ensure that this act is implemented in a timely manner, the utilities and transportation commission may adopt rules under section 8 of this act prior to July 1, 2019, and may accept tariff filings from a person with a substantial interest beginning thirty days after the effective date of these adopted rules. The utilities and transportation commission must suspend a tariff filing made before July 1, 2019, within thirty days of receipt of the filing. Any tariff filings made under this section may not take effect until after June 30, 2019.

NEW SECTION. **Sec. 16.** Except for section 15 of this act, this act takes effect July 1, 2019.

Passed by the Senate March 5, 2018.
Passed by the House February 28, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 108

[Engrossed Second Substitute Senate Bill 6529]
PESTICIDE APPLICATION SAFETY WORK GROUP

AN ACT Relating to establishing a pesticide application safety work group; creating new sections; and providing expiration dates.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) The legislature finds that farmers, farmworkers, and the broader community share an interest in minimizing human exposure to pesticide.

(2) The legislature recognizes that huge gains in minimizing human exposure have been made by the agricultural industry through a combination of scientific advancements, ongoing education and training, usage of safety equipment, improved technologies, and proper monitoring and regulation. In 2014, the legislature created a temporary farm work group that included representatives of both growers and workers. The 2014 farm work group jointly identified administrative recommendations to minimize public health issues posed by pesticide drift. The 2014 farm work group recognized that following necessary operating procedures and best management practices, thorough operator training, and good communication prevents or greatly reduces pesticide drift exposure. Through such collaborative efforts, the state has had significant gains in decreasing pesticide exposure on farms.

(3) The legislature finds that collaboration between state agencies and the farming community can assist in further minimizing exposure of agricultural workers to pesticide drift.

(4) This section expires December 31, 2018.

NEW SECTION. **Sec. 2.** (1) A pesticide application safety work group is established to develop recommendations for improving the safety of pesticide applications. The work group shall:

(a) Review existing state and federal laws regulating pesticide safety and application;

(b) Arrange for a presentation on new pesticide application technology and review other technologies used throughout the nation to increase pesticide application safety;

(c) Review the structure of the former pesticide incident reporting and tracking review panel created under RCW 70.104.080 (repealed) to determine whether a similar group should be created; and

(d) Review current data and reports from Washington state agencies and relevant agencies in other states that may be helpful in developing strategies to improve pesticide application safety.

(2) The work group is composed of:

(a) One member and one alternate from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(b) One member and one alternate from each of the two largest caucuses in the house of representatives, who shall be appointed by the speaker and minority leader of the house of representatives;

(c) One representative from each of the following agencies:

(i) The department of agriculture;

(ii) The department of health;

(iii) The department of labor and industries;

(iv) The department of natural resources; and

(v) The commission on Hispanic affairs.

(3)(a) The secretary of the department of health and the director of the department of agriculture may invite individuals to participate in the work group in an advisory capacity. There is no limit to the number of individuals who may participate in work group meetings in an advisory capacity under this subsection.

(b) The following may have an interest in participating in an advisory role:

(i) An organization representing producers of a crop that uses airblast sprayers;

(ii) An organization representing producers of a crop that uses fumigation;

(iii) An organization representing producers of a crop that uses aerial application;

(iv) An organization representing timber producers;

(v) An aerial applicator or pilot;

(vi) An organization representing farmworkers;

(vii) An organization representing labor;

(viii) An organization representing children's health advocacy;

(ix) An organization representing environmental interests;

(x) The University of Washington Latino center for health; and

(xi) Washington State University.

(4) The work group shall be cochaired by two of the legislative members, one from each major party and one from each house.

(5) Staff support for the work group must be provided by the department of health and the department of agriculture.

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

(7) The work group shall provide a report that includes any findings, recommendations, and draft legislation, to the governor and the appropriate committees of the legislature, by November 1, 2018.

(8) This section expires December 31, 2018.

Passed by the Senate February 12, 2018.
Passed by the House February 28, 2018.
Approved by the Governor March 15, 2018.
Filed in Office of Secretary of State March 16, 2018.

CHAPTER 109

[Second Substitute House Bill 1513]

YOUTH VOTER REGISTRATION SIGN UP INFORMATION

AN ACT Relating to collecting youth voter registration sign up information; amending RCW 28A.230.150, 29A.08.110, 29A.08.125, 29A.08.210, 29A.08.615, 29A.08.710, 29A.08.720, 29A.08.760, 29A.84.140, 46.20.155, 42.56.230, 29A.08.330, and 29A.08.770; reenacting and amending RCW 42.56.250; adding a new section to chapter 29A.04 RCW; adding new sections to chapter 29A.08 RCW; creating a new section; prescribing penalties; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature is committed to granting equal access to voter registration for all voters. The legislature recognizes the importance of fostering lifelong civic participation. Currently, many young people are denied access to the most popular form of voter registration, motor voter. If a young person obtains a driver's license at the age of sixteen or seventeen, they may not register to vote. Denial of motor voter to so many young voters has contributed to lower voter registration levels in the youngest voter age groups. In Washington, according to 2016 United States census bureau statistics, only twenty-one percent of eligible citizens between the ages of eighteen and twenty-four are registered to vote. Studies show that young adults who vote are likely to continue to do so throughout adulthood. The legislature recognizes that these representational disparities in registration rates and voting rates within the youth electorate will improve by enacting election policies that engage all young citizens. Therefore, the legislature declares that this act, allowing eligible youth at least sixteen years of age to preregister to vote, is intended to increase voter turnout in young adults.

NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.04 RCW to read as follows:

"Future voter" means a United States citizen and Washington state resident, age sixteen or seventeen, who wishes to provide information related to voter registration to the appropriate state agencies.

Sec. 3. RCW 28A.230.150 and 1969 ex.s. c 223 s 28A.02.090 are each amended to read as follows:

(1) On January 16th of each year or the preceding Friday when January 16th falls on a nonschool day, there shall be observed within each public school "Temperance and Good Citizenship Day". Annually the state superintendent of public instruction shall duly prepare and publish for circulation among the teachers of the state a program for use on such day embodying topics pertinent thereto and may from year to year designate particular laws for special observance.

(2) Each year on "Temperance and Good Citizenship Day," social studies teachers must, as resources allow, coordinate a voter registration event in each history or social studies class attended by high school seniors. This event is part of the future voter program. Teachers must make voter sign up and registration available to all students.

(3) County auditors may, as resources allow, help coordinate elements of the future voter program, and participate in voter registration events for students on "Temperance and Good Citizenship Day."

(4) On each temperance and good citizenship day all students who will be eighteen years of age or older by the time of the next general election will be given the opportunity to register to vote online in the classroom. Paper registration must also be made available in the classroom. Students who do not possess a state identicard or driver's license must be provided a paper registration form. The event must include adequate time for students to complete the registration process in class.

(5) The superintendent of public instruction, in consultation with the secretary of state, must update and distribute youth voter registration materials annually, by December 1st, for eligible students to register to vote at school. Electronic notification of the availability of the materials must be distributed to high school principals and secondary social studies and history teachers.

(6) The superintendent of public instruction must consult with the secretary of state to provide registration methods that enable the electronic collection of information on the number of students who registered to vote on "Temperance and Good Citizenship Day," with the goal of achieving at least fifty thousand new voter registrations for seventeen and eighteen year olds annually, beginning in January 2020.

(7) Beginning March 1, 2020, and annually thereafter, the superintendent of public instruction must report on yearly progress toward the goal established in subsection (5) of this section, including the number of seventeen and eighteen year olds registered to vote by county and recommendations for increasing youth voter registration, to the governor and the appropriate standing committees of the legislature in accordance with RCW 43.01.036.

(8) For the purposes of this section:

(a) "Future voter program" refers to the information that may be collected by a number of processes about a future voter. Information that is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed on the future voter until the person reaches age eighteen, except for the purpose of processing and delivering ballots.

(b) "Sign up" means the act of providing information relevant to eventual official voter registration, prior to such time that he or she will be eighteen years of age by the next election.

Sec. 4. RCW 29A.08.110 and 2009 c 369 s 10 are each amended to read as follows:

(1) An application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of the original date of mailing ((~~or~~)), date of delivery, or when the person will be at least eighteen years old by the next election, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

(3) Once a future voter is no longer in pending status, as described in RCW 29A.08.615, his or her application to sign up to register to vote is no longer pending and is subject to this section.

NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.08 RCW to read as follows:

(1) A person may sign up to register to vote if he or she is sixteen or seventeen years of age, as part of the future voter program.

(2) A person who signs up to register to vote may not vote until reaching eighteen years of age, and his or her name may not be added to the statewide voter registration database list of voters until such time as he or she will be eighteen years of age by the next election.

NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.08 RCW to read as follows:

(1) A person who has attained sixteen years of age may sign up to register to vote, as part of the future voter program, by submitting a voter registration application by mail.

(2) The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true.

(3) If signing up to register by mail, the person must provide a signature for voter registration purposes.

(4) The applicant must affirmatively acknowledge that he or she will not vote until his or her eighteenth birthday.

Sec. 7. RCW 29A.08.125 and 2009 c 369 s 12 are each amended to read as follows:

(1) The office of the secretary of state shall maintain a statewide voter registration database. This database must be a centralized, uniform, interactive computerized statewide voter registration list that contains the name and registration information of every registered voter in the state.

(2) The statewide list is the official list of registered voters for the conduct of all elections.

(3) The statewide list must include, but is not limited to, the name, date of birth, residence address, signature, gender, and date of registration of every legally registered voter in the state.

(4) A unique identifier must be assigned to each registered voter in the state.

(5) The database must be coordinated with other government databases within the state including, but not limited to, the department of corrections, the department of licensing, the department of health, the administrative office of the courts, and county auditors. The database may also be coordinated with the databases of election officials in other states.

(6) Authorized employees of the secretary of state and each county auditor must have immediate electronic access to the information maintained in the database.

(7) Voter registration information received by each county auditor must be electronically entered into the database. The office of the secretary of state must provide support, as needed, to enable each county auditor to enter and maintain voter registration information in the state database.

(8) The secretary of state has data authority over all voter registration data.

(9) The voter registration database must be designed to accomplish at a minimum, the following:

(a) Comply with the help America vote act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against any available databases maintained by other government agencies to identify voters who are ineligible to vote due to a felony conviction, lack of citizenship, or mental incompetence;

(e) Provide images of voters' signatures for the purpose of checking signatures on initiative and referendum petitions;

(f) Provide for a comparison between the voter registration database and the department of licensing change of address database;

(g) Provide access for county auditors that includes the capability to update registrations and search for duplicate registrations; ((~~and~~))

(h) Provide for the cancellation of registrations of voters who have moved out of state; and

(i) Provide for the storage of pending registration records for all future voters who have not yet reached eighteen years of age in a manner that these records will not appear on the official list of registered voters until the future registrant is no longer in pending status as defined under RCW 29A.08.615.

(10) The secretary of state may, upon agreement with other appropriate jurisdictions, screen against any available databases maintained by election officials in other states and databases maintained by federal agencies including, but not limited to, the federal bureau of investigation, the federal court system,

the federal bureau of prisons, and the bureau of citizenship and immigration services.

(11) The database shall retain information regarding previous successful appeals of proposed cancellations of registrations in order to avoid repeated cancellations for the same reason.

(12) Each county auditor shall maintain a list of all registered voters within the county that are contained on the official statewide voter registration list. In addition to the information maintained in the statewide database, the county database must also maintain the applicable taxing district and precinct codes for each voter in the county, and a list of elections in which the individual voted.

(13) Each county auditor shall allow electronic access and information transfer between the county's voter registration system and the official statewide voter registration list.

Sec. 8. RCW 29A.08.210 and 2009 c 369 s 16 are each amended to read as follows:

An applicant for voter registration shall complete an application providing the following information concerning his or her qualifications as a voter in this state:

(1) The former address of the applicant if previously registered to vote;

(2) The applicant's full name;

(3) The applicant's date of birth;

(4) The address of the applicant's residence for voting purposes;

(5) The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;

(6) The sex of the applicant;

(7) The applicant's Washington state driver's license number, Washington state identification card number, or the last four digits of the applicant's social security number if he or she does not have a Washington state driver's license or Washington state identification card;

(8) A check box allowing the applicant to indicate that he or she is a member of the armed forces, national guard, or reserves, or that he or she is an overseas voter;

(9) A check box allowing the applicant to ((~~confirm~~)) acknowledge that he or she is at least eighteen years ((~~of age or will be eighteen years of age by the next election~~)) old or is at least sixteen years old and will vote only after he or she reaches the age of eighteen;

(10) Clear and conspicuous language, designed to draw the applicant's attention, stating that the applicant must be a United States citizen in order to register to vote;

(11) A check box and declaration confirming that the applicant is a citizen of the United States;

(12) The following warning:

"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."

(13) The oath required by RCW 29A.08.230 and a space for the applicant's signature; and

(14) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

Sec. 9. RCW 29A.08.615 and 2003 c 111 s 238 are each amended to read as follows:

(1) Registered voters are divided into two categories, "active" and "inactive." All registered voters are classified as active, unless assigned to inactive status by the county auditor.

(2) Persons signing up to register to vote as future voters as defined under section 2 of this act are classified as "pending" until the person will be at least eighteen years of age by the next election.

Sec. 10. RCW 29A.08.710 and 2005 c 246 s 17 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records and voter registration sign up records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2)(a) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060 and (b) of this subsection: The voter's name, address, political jurisdiction, gender, date of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying.

(b) The personally identifiable information of individuals who are under the age of eighteen are exempt from public inspection and copying until the subject of the record is eighteen years of age, except for the purpose of processing and delivering ballots.

Sec. 11. RCW 29A.08.720 and 2011 c 10 s 18 are each amended to read as follows:

(1) In the case of voter registration records received through the department of licensing or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to vote is not available for public inspection and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public. Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

(2)(a) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, and (b) of this subsection, precinct lists and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

(b) The personally identifiable information of individuals who are under the age of eighteen are exempt from public inspection and copying until the subject of the record is eighteen years of age, except for the purpose of processing and delivering ballots.

(3) For the purposes of this section, "political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue. "Political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

Sec. 12. RCW 29A.08.760 and 2011 1st sp.s. c 43 s 813 are each amended to read as follows:

The secretary of state shall provide a duplicate copy of the master statewide computer file or electronic data file of registered voters to the consolidated technology services agency for purposes of creating the jury source list without cost. The information contained in a voter registration application is exempt from inclusion until the applicant reaches age eighteen. Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots. Restrictions as to the commercial use of the information on the statewide computer tape or data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW 29A.08.720 and 29A.08.740.

Sec. 13. RCW 29A.84.140 and 2005 c 246 s 22 are each amended to read as follows:

A person who knows that he or she does not possess the legal qualifications of a voter and who registers to vote is guilty of a class C felony. This section does not apply to persons age sixteen or seventeen signing up to register to vote as authorized under section 5 of this act.

NEW SECTION. **Sec. 14.** A new section is added to chapter 29A.08 RCW to read as follows:

(1) A person who has attained sixteen years of age and has a valid Washington state driver's license or identicard may sign up to register to vote as part of the future voter program, by submitting a voter registration application electronically on the secretary of state's web site.

(2) The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true.

(3) If signing up to register electronically, the applicant must affirmatively assent to the use of his or her driver's license or identicard signature for voter registration purposes.

(4) The applicant must affirmatively acknowledge that he or she will not vote until his or her eighteenth birthday.

(5) For each electronic registration application, the secretary of state must obtain a digital copy of the applicant's driver's license or identicard signature from the department of licensing.

(6) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter preregistration applications submitted electronically.

Sec. 15. RCW 46.20.155 and 2013 c 11 s 90 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the agent shall ask the following:

(1) "Are you a United States citizen?"

(2) "Are you ((~~or will you be eighteen years of age on or before the next election~~)) at least eighteen years old or are you at least sixteen years old and will you vote only after you turn eighteen?"

If the applicant answers in the affirmative to both questions, the agent shall then submit the registration, sign up form, or update. If the applicant answers in the negative to either question, the agent shall not submit ((~~a voter registration~~)) an application. Information that is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

Sec. 16. RCW 42.56.230 and 2017 3rd sp.s. c 6 s 222 are each amended to read as follows:

The following personal information is exempt from public inspection and copying under this chapter:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;

(2)(a) Personal information:

(i) For a child enrolled in licensed child care in any files maintained by the department of children, youth, and families;

(ii) For a child enrolled in a public or nonprofit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care services, parks and recreation programs, youth development programs, and after-school programs; or

(iii) For the family members or guardians of a child who is subject to the exemption under this subsection (2) if the family member or guardian has the same last name as the child or if the family member or guardian resides at the same address as the child and disclosure of the family member's or guardian's information would result in disclosure of the personal information exempted under (a)(i) and (ii) of this subsection.

(b) Emergency contact information under this subsection (2) may be provided to appropriate authorities and medical personnel for the purpose of treating the individual during an emergency situation;

(3) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(4) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would: (a) Be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance authorized under RCW 35.102.145; or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer;

(5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information as defined in RCW 9.35.005 including social security numbers, except when disclosure is expressly required by or governed by other law;

(6) Personal and financial information related to a small loan or any system of authorizing a small loan in RCW 31.45.093;

(7)(a) Any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicard.

(b) Information provided under RCW 46.20.111 that indicates that an applicant declined to register with the selective service system.

(c) Any record pertaining to a vehicle license plate, driver's license, or identicard issued under RCW 46.08.066 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement, confidential public health work, public assistance fraud, or child support investigative activity. This exemption does not prevent the release of the total number of vehicle license plates, drivers' licenses, or identicards that, under RCW 46.08.066, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

(d) Any record pertaining to a vessel registration issued under RCW 88.02.330 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement activity. This exemption does not prevent the release of the total number of vessel registrations that, under RCW 88.02.330, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse;

(8) All information related to individual claims resolution structured settlement agreements submitted to the board of industrial insurance appeals under RCW 51.04.063, other than final orders from the board of industrial insurance appeals.

Upon request by the legislature, the department of licensing shall provide a report to the legislature containing all of the information in subsection (7)(c) and (d) of this section that is subject to public disclosure; ((~~and~~))

(9) Voluntarily submitted information contained in a database that is part of or associated with enhanced 911 emergency communications systems, or information contained or used in emergency notification systems as provided under RCW 38.52.575 and 38.52.577; and

(10) Until the person reaches eighteen years of age, information, otherwise disclosable under chapter 29A.08 RCW, that relates to a future voter, except for the purpose of processing and delivering ballots.

Sec. 17. RCW 42.56.250 and 2017 c 38 s 1 and 2017 c 16 s 1 are each reenacted and amended to read as follows:

The following employment and licensing information is exempt from public inspection and copying under this chapter:

(1) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;

(2) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

(3) Professional growth plans (PGPs) in educator license renewals submitted through the eCert system in the office of the superintendent of public instruction;

(4) The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicard numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240;

(5) Information that identifies a person who, while an agency employee: (a) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed;

(6) Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment;

(7) Criminal history records checks for board staff finalist candidates conducted pursuant to RCW 43.33A.025;

(8) Except as provided in RCW 47.64.220, salary and benefit information for maritime employees collected from private employers under RCW 47.64.220(1) and described in RCW 47.64.220(2);

(9) Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth. For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030; ((~~and~~))

(10) The global positioning system data that would indicate the location of the residence of a public employee or volunteer using the global positioning system recording device; and

(11) Until the person reaches eighteen years of age, information, otherwise disclosable under chapter 29A.08 RCW, that relates to a future voter, except for the purpose of processing and delivering ballots.

Sec. 18. RCW 29A.08.330 and 2013 c 11 s 16 are each amended to read as follows:

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to indicate that he or she declines to register at this time, or the agency may use a separate form approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client whenever he or she applies for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.

(3) The person providing service at the agency shall determine if the prospective applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the service agent shall ask the following:

(a) "Are you a United States citizen?"

(b) "Are you ((~~or will you be eighteen years of age on or before the next election~~)) at least eighteen years old or are you at least sixteen years old and will you vote only after you turn eighteen?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to sign up to vote, register to vote, or update a voter registration. If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration ((~~form~~)) application.

(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods to capture simultaneously the information required for voter registration during a person's computerized application process.

(5) Each designated agency shall transmit the applications to the secretary of state or appropriate county auditor within three business days.

(6) Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

Sec. 19. RCW 29A.08.770 and 2004 c 267 s 135 are each amended to read as follows:

The secretary of state and each county auditor shall maintain for at least two years and shall make available for public inspection and copying all records concerning the implementation of programs and activities conducted for the purpose of insuring the accuracy and currency of official lists of eligible voters. These records must include lists of the names and addresses of all persons to whom notices are sent and information concerning whether or not each person has responded to the notices. These records must contain lists of all persons removed from the list of eligible voters and the reasons why the voters were removed. The personally identifiable information of individuals who are under the age of eighteen are exempt from public inspection and copying until the subject of the record is eighteen years of age, except for the purpose of processing and delivering ballots.

NEW SECTION. **Sec. 20.** This act takes effect July 1, 2019.

Passed by the House February 12, 2018.
Passed by the Senate February 28, 2018.
Approved by the Governor March 19, 2018.
Filed in Office of Secretary of State March 20, 2018.

CHAPTER 110

[Engrossed Second Substitute House Bill 2595]

AUTOMATIC VOTER REGISTRATION

AN ACT Relating to increasing opportunities for citizens to participate in elections by streamlining procedures in order to automatically register citizens to vote; amending RCW 29A.08.110, 29A.08.350, 46.20.207, 29A.08.410, 29A.08.420, and 29A.08.720; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 29A.04 RCW; creating new sections; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** This act may be known and cited as the automatic voter registration act of 2018.

NEW SECTION. **Sec. 2.** (1) The legislature finds that:

(a) The right to vote is enshrined as one of the greatest virtues of our democracy and that an engaged citizenry is essential at each level of government to ensure that all voices are heard; and

(b) State and local governments should take every step possible to make it easier to vote in Washington state and ensure that fundamental values of a true democracy with full participation remains one of our most important functions.

Providing additional opportunities for people to register to vote and helping them make their own choices about who represents them in this democracy and about important issues that are central to their lives and communities are essential to upholding these values.

(2) Therefore, the legislature intends to increase the opportunity to register to vote for persons qualified under Article VI of the Washington state Constitution by expanding the streamlined voter registration process that will increase opportunities for voter registration without placing new undue burdens on government agencies.

PART I

Sec. 101. RCW 29A.08.110 and 2009 c 369 s 10 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.330, and 29A.08.340, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

NEW SECTION. **Sec. 102.** A new section is added to chapter 29A.08 RCW to read as follows:

The department of licensing shall implement an automatic voter registration system so that a person age eighteen years or older who meets requirements for voter registration and has received or is renewing an enhanced driver's license or identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205 may be registered to vote or update voter registration information at the time of registration, renewal, or change of address, by automated process if the department of licensing record associated with the applicant contains the data required to determine whether the applicant meets requirements for voter registration under RCW 29A.08.010, other information as required by the secretary of state, and includes a signature image. The person must be informed that his or her record will be used for voter registration and offered an opportunity to decline to register.

NEW SECTION. **Sec. 103.** A new section is added to chapter 29A.08 RCW to read as follows:

(1) If the applicant in section 102 of this act does not decline registration, the application is submitted pursuant to RCW 29A.08.350.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

NEW SECTION. **Sec. 104.** A new section is added to chapter 29A.08 RCW to read as follows:

(1)(a) For persons age eighteen years and older registering under section 102 of this act, an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the original date of issuance or renewal or date of change of address of an enhanced driver's license or identicard issued under RCW 46.20.202 or change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(b) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the first-class mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in section 102 of this act with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicard is exempt from public inspection pursuant to RCW 42.56.230.

NEW SECTION. **Sec. 105.** A new section is added to chapter 46.20 RCW to read as follows:

For persons eighteen years of age or older who meet requirements for voter registration, who have been issued or are renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, and have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

Sec. 106. RCW 29A.08.350 and 2013 c 11 s 18 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested a voter registration or update at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application.

Sec. 107. RCW 46.20.207 and 1993 c 501 s 3 are each amended to read as follows:

(1) The department is authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance of the license, or that the licensee failed to give the required or correct information in his or her application, or that the licensee is incompetent to drive a motor vehicle for any of the reasons under RCW 46.20.031 (4) and (7).

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department.

(3) Upon the cancellation of an enhanced driver's license or identicard for failure of the licensee to give correct information, if such information had been transferred to the secretary of state for purposes of voter registration, the department must immediately notify the office of the secretary of state, and the county auditor of the county of the licensee's address of record, of the cancellation of the license or identicard and identify the incorrect information.

PART II

NEW SECTION. **Sec. 201.** A new section is added to chapter 29A.04 RCW to read as follows:

(1) Beginning July 1, 2019, the health benefit exchange shall provide the following information to the secretary of state's office for consenting Washington healthplanfinder applicants who affirmatively indicate that they are interested in registering to vote, including applicants who file changes of address, who reside in Washington, are age eighteen years or older, and are verified citizens, for voter registration purposes:

(a) Names;

(b) Traditional or nontraditional residential addresses;

(c) Mailing addresses, if different from the traditional or nontraditional residential address; and

(d) Dates of birth.

(2) The health benefit exchange shall consult with the secretary of state's office to ensure that sufficient information is provided to allow the secretary of state to obtain a digital copy of the person's signature when available from the department of licensing and establish other criteria and procedures that are secure and compliant with federal and state voter registration and privacy laws and rules.

(3) If applicable, the health benefit exchange shall report any known barriers or impediments to implementation of this section to the appropriate committees of the legislature and the governor no later than December 1, 2018.

(4) If the health benefit exchange determines, in consultation with the health care authority, that implementation of this act requires changes subject to approval from the centers for medicare and medicaid services, participation of the health benefit exchange is contingent on receiving that approval.

NEW SECTION. **Sec. 202.** A new section is added to chapter 29A.08 RCW to read as follows:

(1) The governor shall make a decision, in consultation with the office of the secretary of state, as to whether each agency identified in subsection (3) of this section shall implement automatic voter registration. The final decision is at the governor's sole discretion.

(2)(a) Each agency identified in subsection (3) of this section shall submit a report to the governor and appropriate legislative committees no later than December 1, 2018, describing:

(i) Steps needed to implement automatic voter registration under this act by July 1, 2019;

(ii) Barriers to implementation, including ways to mitigate those barriers; and

(iii) Applicable federal and state privacy protections for voter registration information.

(b) In preparing the report required under this subsection, the agency may consult with the secretary of state's office to determine automatic voter registration criteria and procedures.

(3) This section applies to state agencies, other than the health benefit exchange, providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1), that collect, process, and store the following information as part of providing assistance or services:

(a) Names;

(b) Traditional or nontraditional residential addresses;

(c) Dates of birth;

(d) A signature attesting to the truth of the information provided on the application for assistance or services; and

(e) Verification of citizenship information, via social security administration data match or manually verified by the agency during the client transaction.

(4) Once an agency has implemented automatic voter registration, it shall continue to provide automatic voter registration unless legislation is enacted that directs the agency to do otherwise.

(5) Agencies may not begin verifying citizenship as part of an agency transaction for the sole purpose of providing automatic voter registration.

NEW SECTION. **Sec. 203.** A new section is added to chapter 29A.08 RCW to read as follows:

(1) If a person who is ineligible to vote becomes, in the rare occasion, registered to vote under section 102 or 201 of this act in the absence of a knowing violation by that person of RCW 29A.84.140, that person shall be deemed to have performed an authorized act of registration and such act may not be considered as evidence of a claim to citizenship.

(2) Unless a person willfully and knowingly votes or attempts to vote knowing that he or she is not entitled to vote, a person who is ineligible to vote and becomes registered to vote under section 102 or 201 of this act, and subsequently votes or attempts to vote in an election held after the effective date of the person's registration, is not guilty of violating RCW 29A.84.130, and shall be deemed to have performed an authorized act, and such act may not be considered as evidence of a claim to citizenship.

(3) A person who is ineligible to vote, who successfully completes the voter registration process under section 102 or 201 of this act or votes in an election, must have their voter registration, or record of vote, removed from the voter registration database and any other application records.

(4) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly determine the cause.

Sec. 204. RCW 29A.08.410 and 2009 c 369 s 22 are each amended to read as follows:

A registered voter who changes his or her residence from one address to another within the same county may transfer his or her registration to the new address in one of the following ways:

(1) Sending the county auditor a request stating both the voter's present address and the address from which the voter was last registered;

(2) Appearing in person before the county auditor and making such a request;

(3) Telephoning or emailing the county auditor to transfer the registration; ((~~or~~))

(4) Submitting a voter registration application;

(5) Submitting information to the department of licensing;

(6) Submitting information to the health benefit exchange; or

(7) Submitting information to an agency designated under section 202 of this act once automatic voter registration is implemented at the agency.

Sec. 205. RCW 29A.08.420 and 2009 c 369 s 23 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county must do so by submitting a voter registration form or by submitting information to the department of licensing, the health benefit exchange, or an agency designated under section 202 of this act once automatic voter registration is implemented at the agency. The county auditor of the voter's new county shall transfer the voter's registration from the county of the previous registration.

Sec. 206. RCW 29A.08.720 and 2011 c 10 s 18 are each amended to read as follows:

(1) In the case of voter registration records received through the health benefit exchange, the department of licensing, or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to vote must be used only for voter registration purposes, is not available for public inspection, and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, precinct lists and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

(3) For the purposes of this section, "political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue. "Political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

NEW SECTION. **Sec. 207.** A new section is added to chapter 29A.08 RCW to read as follows:

The office of the secretary of state may adopt rules to implement automatic voter registration under this act.

NEW SECTION. **Sec. 208.** Sections 101 through 107 of this act take effect July 1, 2019.

Passed by the House March 7, 2018.
Passed by the Senate March 6, 2018.
Approved by the Governor March 19, 2018.
Filed in Office of Secretary of State March 20, 2018.

CHAPTER 111

[Substitute Senate Bill 5991]

POLITICAL CAMPAIGN FINANCING--DISCLOSURES

AN ACT Relating to increasing transparency of contributions by creating the Washington state DISCLOSE act of 2018; amending RCW 42.17A.235, 42.17A.240, and 42.17A.420; reenacting and amending RCW 42.17A.005; adding a new section to chapter 42.17A RCW; creating new sections; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** This act may be known and cited as the democracy is strengthened by casting light on spending in elections act of 2018 or the Washington state DISCLOSE act of 2018.

NEW SECTION. **Sec. 2.** The legislature finds that the public has the right to know who is contributing to election campaigns in Washington state and that campaign finance disclosure deters corruption, increases public confidence in Washington state elections, and strengthens representative democracy.

The legislature finds that campaign finance disclosure is overwhelmingly supported by the citizens of Washington state as evidenced by the two initiatives that largely established Washington's current campaign finance system. Both passed with over seventy-two percent of the popular vote, as well as winning margins in every county in the state.

The legislature finds that nonprofit organizations are increasingly engaging in campaign activities in Washington state and across the country, including taking a more active role in contributing to candidate and ballot proposition campaigns. In some cases, these activities are occurring without adequate public disclosure due to loopholes in campaign finance regulations.

The legislature finds that many nonprofit organizations wish to use the provisions of current law to anonymously contribute to campaign activity, frustrating the purposes of public disclosure laws.

Therefore, the legislature intends to increase transparency and accountability, deter corruption, and strengthen confidence in the election process by closing campaign finance disclosure loopholes and requiring the disclosure of contributions and expenditures by nonprofit organizations that participate significantly in Washington state elections.

Sec. 3. RCW 42.17A.005 and 2011 c 145 s 2 and 2011 c 60 s 19 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

(2) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(3) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

(4) "Ballot proposition" means any "measure" as defined by RCW 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency before its circulation for signatures.

(5) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(6) "Bona fide political party" means:

(a) An organization that has been recognized as a minor political party by the secretary of state;

(b) The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

(7) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

(8) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

(9) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(10) "Commission" means the agency established under RCW 42.17A.100.

(11) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind. For the purpose of compliance with RCW 42.17A.710, "compensation" does not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(12) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(13)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political or incidental committee, the person or persons named on the candidate's or

committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political or incidental committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Standard interest on money deposited in a political or incidental committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political or incidental committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political or incidental committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political or incidental committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political or incidental committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this subsection, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws; or

(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political or incidental committees either as volunteer services defined in (b)(vi) of this subsection or for payment by the candidate or political or incidental committee for whom the services are performed as long as:

(A) The person performs solely ministerial functions;

(B) A person who is paid by two or more candidates or political or incidental committees is identified by the candidates and political committees on

whose behalf services are performed as part of their respective statements of organization under RCW 42.17A.205; and

(C) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities, or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under (a)(ii) of this subsection.

A person who performs ministerial functions under this subsection (13)(b)(ix) is not considered an agent of the candidate or committee as long as he or she has no authority to authorize expenditures or make decisions on behalf of the candidate or committee.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

(14) "Depository" means a bank, mutual savings bank, savings and loan association, or credit union doing business in this state.

(15) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(16) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters. An election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(17) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(18) "Election cycle" means the period beginning on the first day of January after the date of the last previous general election for the office that the candidate seeks and ending on December 31st after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on December 31st after the special election.

(19)(a) "Electioneering communication" means any broadcast, cable, or satellite television or radio transmission, United States postal service mailing, billboard, newspaper, or periodical that:

(i) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(ii) Is broadcast, transmitted, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(iii) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value of one thousand dollars or more.

(b) "Electioneering communication" does not include:

(i) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve months preceding his or her becoming a candidate;

(ii) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(iii) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(A) Of primary interest to the general public;

(B) In a news medium controlled by a person whose business is that news medium; and

(C) Not a medium controlled by a candidate or a political or incidental committee;

(iv) Slate cards and sample ballots;

(v) Advertising for books, films, dissertations, or similar works (A) written by a candidate when the candidate entered into a contract for such publications or media at least twelve months before becoming a candidate, or (B) written about a candidate;

(vi) Public service announcements;

(vii) A mailed internal political communication primarily limited to the members of or contributors to a political party organization or political or incidental committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(viii) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(ix) Any other communication exempted by the commission through rule consistent with the intent of this chapter.

(20) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. "Expenditure" shall not include the partial or complete repayment by a candidate or political or incidental committee of the principal of a loan, the receipt of which loan has been properly reported.

(21) "Final report" means the report described as a final report in RCW 42.17A.235((~~(2)~~)) (8).

(22) "General election" for the purposes of RCW 42.17A.405 means the election that results in the election of a person to a state or local office. It does not include a primary.

(23) "Gift" has the definition in RCW 42.52.010.

(24) "Immediate family" includes the spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of the definition of "intermediary" in this section, "immediate family" means an individual's spouse or domestic partner, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person.

(25) "Incidental committee" means any nonprofit organization not otherwise defined as a political committee but that may incidentally make a contribution or an expenditure in excess of the reporting thresholds in section 5 of this act, directly or through a political committee. Any nonprofit organization is not an incidental committee if it is only remitting payments through the nonprofit organization in an aggregated form and the nonprofit organization is not required to report those payments in accordance with this chapter.

(26) "Incumbent" means a person who is in present possession of an elected office.

(((~~(26)~~))) (27) "Independent expenditure" means an expenditure that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of eight hundred dollars or more. A series of expenditures, each of which is under eight hundred dollars, constitutes one independent expenditure if their cumulative value is eight hundred dollars or more.

(((~~(27)~~))) (28)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

(((~~(28)~~))) (29) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(((~~(29)~~))) (30) "Legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

(((~~(30)~~))) (31) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

(((~~(31)~~))) (32) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

(((~~(32)~~))) (33) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

(((~~(33)~~))) (34) "Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

(((~~(34)~~))) (35) "Participate" means that, with respect to a particular election, an entity:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication in support of or opposition to a candidate;

(c) Endorses a candidate before contributions are made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed before a contribution is made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent; or

(e) Directly or indirectly collaborates or consults with a subsidiary corporation or local unit on matters relating to the support of or opposition to a candidate, including, but not limited to, the amount of a contribution, when a contribution should be given, and what assistance, services or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

(((~~(35)~~))) (36) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(((~~(36)~~))) (37) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

(((~~(37)~~))) (38) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(((~~(38)~~))) (39) "Primary" for the purposes of RCW 42.17A.405 means the procedure for nominating a candidate to state or local office under chapter 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29A.52 RCW.

(((~~(39)~~))) (40) "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(((~~(40)~~))) (41) "Public record" has the definition in RCW 42.56.010.

(((~~(41)~~))) (42) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29A.56.120 and ending thirty days after the recall election.

(((~~(42)~~))) (43)(a) "Sponsor" for purposes of an electioneering communications, independent expenditures, or political advertising means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(b) "Sponsor," for purposes of a political or incidental committee, means any person, except an authorized committee, to whom any of the following applies:

(i) The committee receives eighty percent or more of its contributions either from the person or from the person's members, officers, employees, or shareholders;

(ii) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

(((~~(43)~~))) (44) "Sponsored committee" means a committee, other than an authorized committee, that has one or more sponsors.

(((~~(44)~~))) (45) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

(((~~(45)~~))) (46) "State official" means a person who holds a state office.

(((~~(46)~~))) (47) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate with respect to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17A.255.

(((~~(47)~~))) (48) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political or incidental committee, pursuant to RCW 42.17A.210, to perform the duties specified in that section.

NEW SECTION. **Sec. 4.** A new section is added to chapter 42.17A RCW to read as follows:

(1)(a) An incidental committee must file a statement of organization with the commission within two weeks after the date the committee first:

(i) Has the expectation of making contributions or expenditures aggregating at least twenty-five thousand dollars in a calendar year in any election campaign, or to a political committee; and

(ii) Is required to disclose a payment received under RCW 42.17A.240(2)(d).

(b) If an incidental committee first meets the criteria requiring filing a statement of organization as specified in (a) of this subsection in the last three weeks before an election, then it must file the statement of organization within three business days.

(2) The statement of organization must include but is not limited to:

(a) The name and address of the committee;

(b) The names and addresses of all related or affiliated political or incidental committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders and the name of the person designated as the treasurer of the incidental committee;

(d) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing if the committee contributes directly to a candidate and, if donating to a political committee, the name and address of that political committee;

(e) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition; and

(f) Such other information as the commission may by rule prescribe, in keeping with the policies and purposes of this chapter.

(3) Any material change in information previously submitted in a statement of organization must be reported to the commission within the ten days following the change.

Sec. 5. RCW 42.17A.235 and 2015 c 54 s 1 are each amended to read as follows:

(1) In addition to the information required under RCW 42.17A.205 and 42.17A.210, on the day the treasurer is designated, each candidate or political committee must file with the commission a report of all contributions received and expenditures made prior to that date, if any. In addition to the information required under RCW 42.17A.205 and 42.17A.210, on the day an incidental committee files a statement of organization with the commission, each incidental committee must file with the commission a report of any election campaign expenditures under RCW 42.17A.240(6), as well as the source of the ten largest cumulative payments of ten thousand dollars or greater it received in the current calendar year from a single person, including any persons tied as the tenth largest source of payments it received, if any.

(2) Each treasurer of a candidate or political committee or incidental committee required to file a statement of organization under this chapter shall file with the commission a report containing the information required by RCW 42.17A.240 at the following intervals:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held;

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section:

(i) For a political committee only if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars; or

(ii) For an incidental committee, only if the committee has:

(A) Received a payment that would change the information required under RCW 42.17A.240(2)(d) as included in its last report; or

(B) Made any election campaign expenditure reportable under RCW 42.17A.240(6) since its last report, and the total election campaign expenditures made since the last report exceed two hundred dollars.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date of the special election, or for the period beginning the first day of the fifth month before the date of the general election, and ending on the date of that special or general election, each Monday the treasurer for a candidate or a political committee shall file with the commission a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds and the amount contributed by each person. However, persons who contribute no more than twenty-five dollars in the aggregate are not required to be identified in the report. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.

(4)(a) The treasurer ((~~or~~)) for a candidate or a political committee shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the political committee's statement of organization filed under RCW 42.17A.205, the books of account must be open for public inspection by appointment at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any day from the eighth day immediately before the election through the

day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection.

(b) At the time of making the appointment, a person wishing to inspect the books of account must provide the treasurer the name and telephone number of the person wishing to inspect the books of account. The person inspecting the books of account must show photo identification before the inspection begins.

(c) A treasurer may refuse to show the books of account to any person who does not make an appointment or provide the required identification.

(5) Copies of all reports filed pursuant to this section shall be readily available for public inspection by appointment, pursuant to subsection (4) of this section, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission.

(6) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(7) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

(8) When there is no outstanding debt or obligation, the campaign fund is closed, and the campaign is concluded in all respects or in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there is no obligation to make any further reports.

(9) The commission must adopt rules for the dissolution of incidental committees.

Sec. 6. RCW 42.17A.240 and 2010 c 204 s 409 are each amended to read as follows:

Each report required under RCW 42.17A.235 (1) and (2) must be certified as correct by the treasurer and the candidate and shall disclose the following except that the commission may suspend or modify reporting requirements for contributions received by an incidental committee in cases of manifestly unreasonable hardship under RCW 42.17A.120:

(1) The funds on hand at the beginning of the period;

(2) The name and address of each person who has made one or more contributions during the period, together with the money value and date of each contribution and the aggregate value of all contributions received from each person during the campaign, or in the case of a continuing political committee, the current calendar year, with the following exceptions:

(a) Pledges in the aggregate of less than one hundred dollars from any one person need not be reported;

(b) Income that results from a fund-raising activity conducted in accordance with RCW 42.17A.230 may be reported as one lump sum, with the exception of that portion received from persons whose names and addresses are required to be included in the report required by RCW 42.17A.230;

(c) Contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum if the treasurer maintains a separate and private list of the name, address, and amount of each such contributor; ((~~and~~))

(d) Payments received by an incidental committee from any one person need not be reported unless the person is one of the committee's ten largest sources of payments received, including any persons tied as the tenth largest source of payments received, during the current calendar year, and the value of the cumulative payments received from that person during the current calendar year is ten thousand dollars or greater. For payments to incidental committees from multiple persons received in aggregated form, any payment of more than ten thousand dollars from any single person must be reported, but the aggregated payment itself may not be reported;

(e) Payments from private foundations organized under section 501(c)(3) of the internal revenue code to an incidental committee do not have to be reported if:

(i) The private foundation is contracting with the incidental committee for a specific purpose other than election campaign purposes;

(ii) Use of the funds for election campaign purposes is explicitly prohibited by contract; and

(iii) Funding from the private foundation represents less than twenty-five percent of the incidental committee's total budget;

(f) For purposes of this subsection, commentary or analysis on a ballot measure by an incidental committee is not considered a contribution if it does not advocate specifically to vote for or against the ballot measure; and

(g) The money value of contributions of postage ((~~shall be~~)) is the face value of the postage;

(3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, including the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(4) All other contributions not otherwise listed or exempted;

(5) The name and address of each candidate or political committee to which any transfer of funds was made, including the amounts and dates of the transfers;

(6) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, the amount, date, and purpose of each expenditure, and the total sum of all expenditures. An incidental committee only must report on expenditures, made and reportable as contributions as defined in RCW 42.17A.005, to election campaigns. For purposes of this subsection, commentary or analysis on a ballot measure by an incidental committee is not considered an expenditure if it does not advocate specifically to vote for or against the ballot measure;

(7) The name and address of each person directly compensated for soliciting or procuring signatures on an initiative or referendum petition, the amount of the compensation to each person, and the total expenditures made for this purpose. Such expenditures shall be reported under this subsection in addition to what is required to be reported under subsection (6) of this section;

(8) The name and address of any person and the amount owed for any debt, obligation, note, unpaid loan, or other liability in the amount of more than two hundred fifty dollars or in the amount of more than fifty dollars that has been outstanding for over thirty days;

(9) The surplus or deficit of contributions over expenditures;

(10) The disposition made in accordance with RCW 42.17A.430 of any surplus funds; and

(11) Any other information required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 7. RCW 42.17A.420 and 2010 c 204 s 604 are each amended to read as follows:

(1) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17A.240 in the aggregate exceeding fifty thousand dollars for any campaign for statewide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a bona fide political party as defined in this chapter, excluding the county central committee or legislative district committee. This subsection does not apply to payments received by an incidental committee.

(2) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17A.270.

NEW SECTION. **Sec. 8.** The public disclosure commission shall implement the provisions of this act within existing funds.

NEW SECTION. **Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 10.** This act takes effect January 1, 2019.

Passed by the Senate March 6, 2018.
Passed by the House February 28, 2018.
Approved by the Governor March 19, 2018.
Filed in Office of Secretary of State March 20, 2018.

CHAPTER 112

[Substitute Senate Bill 6021]
VOTER REGISTRATION PERIOD

AN ACT Relating to extending the period for voter registration; amending RCW 29A.08.140, 29A.08.110, 29A.08.410, 29A.40.160, and 29A.32.031; providing an effective date; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 29A.08.140 and 2011 c 10 s 15 are each amended to read as follows:

(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:

(a) Submit a registration application that is received no later than ((~~twenty-nine~~)) eight days before the day of the primary, special election, or general election; or

(b) Register in person at the county auditor's office, the division of elections if in a separate city from the county auditor's office, a voting center, or other location designated by the county auditor in his or her county of residence no later than ((~~eight days before~~)) 8:00 p.m. on the day of the primary, special election, or general election.

(2) A person who is already registered to vote in Washington may update his or her registration no later than ((~~twenty-nine days before~~)) 8:00 p.m. on the day of the primary, special election, or general election to be in effect for that primary, special election, or general election. A registered voter who fails to transfer his or her residential address by this deadline may vote according to his or her previous registration address.

(3) To register in person at the county auditor's office, a voting center, or other location designated by the county auditor, a person must appear in person at the county auditor's office, a voting center, or other location designated by the county auditor in the county in which the person resides at a time when the facility is open and complete the voter registration application by providing the information required by RCW 29A.08.010.

Sec. 2. RCW 29A.08.110 and 2009 c 369 s 10 are each amended to read as follows:

(1) An application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. As soon as practicable, the auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. The secretary of state shall, pursuant to RCW 29A.04.611, establish procedures to enable new or updated voter registrations to be recorded on an expedited basis. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

Sec. 3. RCW 29A.08.410 and 2009 c 369 s 22 are each amended to read as follows:

A registered voter who changes his or her residence from one address to another within the same county may transfer his or her registration to the new address in one of the following ways:

(1) Sending the county auditor a request stating both the voter's present address and the address from which the voter was last registered;

(2) Appearing in person before the county auditor, or at a voting center or other location designated by the county auditor, and making such a request;

(3) Telephoning or emailing the county auditor to transfer the registration; or

(4) Submitting a voter registration application.

Sec. 4. RCW 29A.40.160 and 2017 c 327 s 1 are each amended to read as follows:

(1) Each county auditor shall open a voting center each primary, special election, and general election. The voting center shall be open during business hours during the voting period, which begins eighteen days before, and ends at 8:00 p.m. on the day of, the primary, special election, or general election.

(2) ((~~The~~)) Each county auditor shall register voters in person at each of the following locations in the county:

(a) At the county auditor's office;

(b) At the division of elections, if located in a separate city from the county auditor's office; and

(c) For each presidential general election, at a voting center in each city in the county with a population of one hundred thousand or greater, which does not have a voting center as required in (a) or (b) of this subsection. A voting center opened pursuant to this subsection (2) is not required to be open on the Sunday before the presidential election.

(3) Voting centers shall be located in public buildings or buildings that are leased by a public entity including, but not limited to, libraries.

(4) Each voting center, and at least one of the other locations designated by the county auditor to allow voters to register in person pursuant to RCW 29A.08.140(1)(b), must provide voter registration materials, ballots, provisional ballots, disability access voting units, sample ballots, instructions on how to properly vote the ballot, a ballot drop box, and voters' pamphlets, if a voters' pamphlet has been published.

(((~~(3) The~~)) (5) Each voting center must be accessible to persons with disabilities. Each state agency and entity of local government shall permit the use of any of its accessible facilities as voting centers when requested by a county auditor.

(((~~(4) The~~)) (6) Each voting center must provide at least one voting unit certified by the secretary of state that provides access to individuals who are blind or visually impaired, enabling them to vote with privacy and independence.

(((~~(5)~~))) (7) No person may interfere with a voter attempting to vote in a voting center. Interfering with a voter attempting to vote is a violation of RCW 29A.84.510.

(((~~(6)~~))) (8) Before opening the voting center, the voting equipment shall be inspected to determine if it has been properly prepared for voting. If the voting equipment is capable of direct tabulation of each voter's choices, the county auditor shall verify that no votes have been registered for any issue or office, and

that the device has been sealed with a unique numbered seal at the time of final preparation and logic and accuracy testing. A log must be made of all device numbers and seal numbers.

(((~~(7)~~))) (9) The county auditor shall require any person desiring to vote at a voting center to either sign a ballot declaration or provide identification.

(a) The signature on the declaration must be compared to the signature on the voter registration record before the ballot may be counted. If the voter registered using a mark, or can no longer sign his or her name, the election officers shall require the voter to be identified by another registered voter.

(b) The identification must be valid photo identification, such as a driver's license, state identification card, student identification card, tribal identification card, or employer identification card. Any individual who desires to vote in person but cannot provide identification shall be issued a provisional ballot, which shall be accepted if the signature on the declaration matches the signature on the voter's registration record.

(((~~(8)~~))) (10) Provisional ballots must be accompanied by a declaration and security envelope, as required by RCW 29A.40.091, and space for the voter's name, date of birth, current and former registered address, reason for the provisional ballot, and disposition of the provisional ballot. The voter shall vote and return the provisional ballot at the voting center. The voter must be provided information on how to ascertain whether the provisional ballot was counted and, if applicable, the reason why the vote was not counted.

(((~~(9)~~))) (11) Any voter may take printed or written material into the voting device to assist in casting his or her vote. The voter shall not use this material to electioneer and shall remove it when he or she leaves the voting center.

(((~~(10)~~))) (12) If any voter states that he or she is unable to cast his or her votes due to a disability, the voter may designate a person of his or her choice, or two election officers, to enter the voting booth and record the votes as he or she directs.

(((~~(11)~~))) (13) No voter is entitled to vote more than once at a primary, special election, or general election. If a voter incorrectly marks a ballot, he or she may be issued a replacement ballot.

(((~~(12)~~))) (14) A voter who has already returned a ballot but requests to vote at a voting center shall be issued a provisional ballot. The canvassing board shall not count the provisional ballot if it finds that the voter has also voted a regular ballot in that primary, special election, or general election.

(((~~(13)~~))) (15) The county auditor must prevent overflow of each ballot drop box to allow a voter to deposit his or her ballot securely. Ballots must be removed from a ballot drop box by at least two people, with a record kept of the date and time ballots were removed, and the names of people removing them. Ballots from drop boxes must be returned to the counting center in secured transport containers. A copy of the record must be placed in the container, and one copy must be transported with the ballots to the counting center, where the seal number must be verified by the county auditor or a designated representative. All ballot drop boxes must be secured at 8:00 p.m. on the day of the primary, special election, or general election.

(((~~(14)~~))) (16) Any voter who is inside or in line at the voting center at 8:00 p.m. on the day of the primary, special election, or general election must be allowed to vote.

((~~(15)~~)) (17) For each primary, special election, and general election, the county auditor may provide election services at locations in addition to the voting center. The county auditor has discretion to establish which services will be provided at the additional locations, and which days and hours the locations will be open, except that the county auditor must establish a minimum of one ballot drop box per fifteen thousand registered voters in the county and a minimum of one ballot drop box in each city, town, and census-designated place in the county with a post office.

Sec. 5. RCW 29A.32.031 and 2013 c 283 s 2 are each amended to read as follows:

The voters' pamphlet published or distributed under RCW 29A.32.010 must contain:

(1) Information about each measure for an advisory vote of the people and each ballot measure initiated by or referred to the voters for their approval or rejection as required by RCW 29A.32.070;

(2) In even-numbered years, statements, if submitted, from candidates for the office of president and vice president of the United States, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court. Candidates may also submit campaign contact information and a photograph not more than five years old in a format that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(3) In odd-numbered years, if any office voted upon statewide appears on the ballot due to a vacancy, then statements and photographs for candidates for any vacant office listed in subsection (2) of this section must appear;

(4) Contact information for the public disclosure commission established under RCW 42.17A.100, including the following statement: "For a list of the people and organizations that donated to state and local candidates and ballot measure campaigns, visit www.pdc.wa.gov." The statement must be placed in a prominent position, such as on the cover or on the first two pages of the voters' pamphlet. The secretary of state may substitute such language as is necessary for accuracy and clarity and consistent with the intent of this section;

(5) Contact information for major political parties;

(6) A brief statement explaining the deletion and addition of language for proposed measures under RCW 29A.32.080; ((~~and~~))

(7) For the 2018 general election, information regarding the changes in the deadlines to register to vote made by chapter . . ., Laws of 2018 (this act); and

(8) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act take effect June 30, 2019.

NEW SECTION. **Sec. 7.** Section 5 of this act expires January 1, 2019.

Passed by the Senate January 17, 2018.
Passed by the House February 27, 2018.

Approved by the Governor March 19, 2018.
Filed in Office of Secretary of State March 20, 2018.

CHAPTER 113

[Engrossed Substitute Senate Bill 6002]

VOTING RIGHTS

AN ACT Relating to establishing a voting rights act to promote equal voting opportunity in certain political subdivisions and establishing a cause of action to redress lack of voter opportunity; amending RCW 36.32.020, 36.32.040, and 54.12.010; adding a new section to chapter 28A.343 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 52.14 RCW; adding a new section to chapter 53.12 RCW; adding a new section to chapter 29A.76 RCW; and adding a new chapter to Title 29A RCW.

Be it enacted by the Legislature of the State of Washington:

PART I - GENERAL PROVISIONS

NEW SECTION. **Sec. 101.** This act may be known and cited as the Washington voting rights act of 2018.

NEW SECTION. **Sec. 102.** The legislature finds that electoral systems that deny race, color, or language minority groups an equal opportunity to elect candidates of their choice are inconsistent with the right to free and equal elections as provided by Article I, section 19 and Article VI, section 1 of the Washington state Constitution as well as protections found in the fourteenth and fifteenth amendments to the United States Constitution. The well-established principle of "one person, one vote" and the prohibition on vote dilution have been consistently upheld in federal and state courts for more than fifty years.

The legislature also finds that local government subdivisions are often prohibited from addressing these challenges because of Washington laws that narrowly prescribe the methods by which they may elect members of their legislative bodies. The legislature finds that in some cases, this has resulted in an improper dilution of voting power for these minority groups. The legislature intends to modify existing prohibitions in state laws so that these jurisdictions may voluntarily adopt changes on their own, in collaboration with affected community members, to remedy potential electoral issues so that minority groups have an equal opportunity to elect candidates of their choice or influence the outcome of an election.

The legislature intends for this act to be consistent with federal protections that may provide a similar remedy for minority groups. Remedies shall also be available where the drawing of crossover and coalition districts is able to address both vote dilution and racial polarization.

The legislature also intends for this act to be consistent with legal precedent from *Mt. Spokane Skiing Corp. v. Spokane Co.* (86 Wn. App. 165, 1997) that found that noncharter counties need not adhere to a single uniform county system of government, but that each county have the same "authority available" in order to be deemed uniform.

NEW SECTION. **Sec. 103.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. In applying these definitions and other terms in this chapter, courts may rely on relevant federal case law for guidance.

(1) "At-large election" means any of the following methods of electing members of the governing body of a political subdivision:

(a) One in which the voters of the entire jurisdiction elect the members to the governing body;

(b) One in which the candidates are required to reside within given areas of the jurisdiction and the voters of the entire jurisdiction elect the members to the governing body; or

(c) One that combines the criteria in (a) and (b) of this subsection or one that combines at-large with district-based elections.

(2) "District-based elections" means a method of electing members to the governing body of a political subdivision in which the candidate must reside within an election district that is a divisible part of the political subdivision and is elected only by voters residing within that election district.

(3) "Polarized voting" means voting in which there is a difference, as defined in case law regarding enforcement of the federal voting rights act, 52 U.S.C. 10301 et seq., in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate.

(4) "Political subdivision" means any county, city, town, school district, fire protection district, port district, or public utility district, but does not include the state.

(5) "Protected class" means a class of voters who are members of a race, color, or language minority group, as this class is referenced and defined in the federal voting rights act, 52 U.S.C. 10301 et seq.

NEW SECTION. **Sec. 104.** As provided in section 302 of this act, no method of electing the governing body of a political subdivision may be imposed or applied in a manner that impairs the ability of members of a protected class or classes to have an equal opportunity to elect candidates of their choice as a result of the dilution or abridgment of the rights of voters who are members of a protected class or classes.

PART II - VOLUNTARY CHANGES TO ELECTORAL PROCESSES

NEW SECTION. **Sec. 201.** (1) A political subdivision that conducts an election pursuant to state, county, or local law, is authorized to change its electoral system, including, but not limited to, implementing a district-based election system, to remedy a potential violation of section 104 of this act.

(2) If a political subdivision invokes its authority under this section to implement a district-based election system, the districts shall be drawn in a manner consistent with section 202 of this act.

NEW SECTION. **Sec. 202.** (1)(a) Prior to the adoption of its proposed plan, the political subdivision must provide public notice to residents of the subdivision about the proposed remedy to a potential violation of section 104 of this act. If a significant segment of the residents of the subdivision have limited English proficiency and speaks a language other than English, the political subdivision must:

(i) Provide accurate written and verbal notice of the proposed remedy in languages that diverse residents of the political subdivision can understand, as indicated by demographic data; and

(ii) Air radio or television public service announcements describing the proposed remedy broadcast in the languages that diverse residents of the political subdivision can understand, as indicated by demographic data.

(b) The political subdivision shall hold at least one public hearing on the proposed plan at least one week before adoption.

(c) For purposes of this section, "significant segment of the community" means five percent or more of residents, or five hundred or more residents, whichever is fewer, residing in the political subdivision.

(2)(a) If the political subdivision invokes its authority under section 201 of this act and the plan is adopted during the period of time between the first Tuesday after the first Monday of November and on or before January 15th of the following year, the political subdivision shall order new elections to occur at the next succeeding general election.

(b) If the political subdivision invokes its authority under section 201 of this act and the plan is adopted during the period of time between January 16th and on or before the first Monday of November, the next election will occur as scheduled and organized under the current electoral system, but the political subdivision shall order new elections to occur pursuant to the remedy at the general election the following calendar year.

(3) If a political subdivision implements a district-based election system under section 201(2) of this act, the plan shall be consistent with the following criteria:

(a) Each district shall be as reasonably equal in population as possible to each and every other such district comprising the political subdivision.

(b) Each district shall be reasonably compact.

(c) Each district shall consist of geographically contiguous area.

(d) To the extent feasible, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(e) District boundaries may not be drawn or maintained in a manner that creates or perpetuates the dilution of the votes of the members of a protected class or classes.

(4) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each political subdivision.

(5) No later than eight months after its receipt of federal decennial census data, the governing body of the political subdivision that had previously invoked its authority under section 201 of this act to implement a district-based election system, or that was previously charged with redistricting under section 403 of this act, shall prepare a plan for redistricting its districts, pursuant to RCW 29A.76.010, and in a manner consistent with this act.

NEW SECTION. **Sec. 203.** A new section is added to chapter 28A.343 RCW to read as follows:

The school board of directors may authorize a change to its electoral system pursuant to section 201 of this act. Any staggering of directors' terms shall be accomplished as provided in RCW 28A.343.030 and 28A.343.600 through 28A.343.650.

Sec. 204. RCW 36.32.020 and 1982 c 226 s 4 are each amended to read as follows:

The board of county commissioners of each county shall divide their county into three commissioner districts so that each district shall comprise as nearly as possible one-third of the population of the county: PROVIDED, That the territory comprised in any voting precincts of such districts shall remain compact, and shall not be divided by the lines of said districts.

However, the commissioners of any county composed entirely of islands and with a population of less than thirty-five thousand may divide their county into three commissioner districts without regard to population, except that if any single island is included in more than one district, the districts on such island shall comprise, as nearly as possible, equal populations.

The commissioners of any county may authorize a change to their electoral system pursuant to section 201 of this act. Except where necessary to comply with a court order issued pursuant to section 403 of this act, and except in the case of an intervening census, the lines of the districts shall not be changed ((~~oftener~~)) more often than once in four years and only when a full board of commissioners is present. The districts shall be designated as districts numbered one, two and three.

Sec. 205. RCW 36.32.040 and 1982 c 226 s 5 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the qualified electors of each county commissioner district, and they only, shall nominate from among their own number, candidates for the office of county commissioner of such commissioner district to be voted for at the following general election. Such candidates shall be nominated in the same manner as candidates for other county and district offices are nominated in all other respects.

(2) Where the commissioners of a county composed entirely of islands with a population of less than thirty-five thousand have chosen to divide the county into unequal-sized commissioner districts pursuant to the exception provided in RCW 36.32.020, the qualified electors of the entire county shall nominate from among their own number who reside within a commissioner district, candidates for the office of county commissioner of such commissioner district to be voted for at the following general election. Such candidates shall be nominated in the same manner as candidates for other county offices are nominated in all other respects.

(3) The commissioners of any county may authorize a change to their electoral system pursuant to section 201 of this act.

NEW SECTION. **Sec. 206.** A new section is added to chapter 35.21 RCW to read as follows:

The legislative authority of a city or town may authorize a change to its electoral system pursuant to section 201 of this act.

NEW SECTION. **Sec. 207.** A new section is added to chapter 35A.21 RCW to read as follows:

The legislative authority of a code city or town may authorize a change to its electoral system pursuant to section 201 of this act.

NEW SECTION. **Sec. 208.** A new section is added to chapter 52.14 RCW to read as follows:

The board of fire commissioners of a fire protection district may authorize a change to its electoral system pursuant to section 201 of this act by majority vote.

NEW SECTION. **Sec. 209.** A new section is added to chapter 53.12 RCW to read as follows:

The port commission may authorize a change to its electoral system pursuant to section 201 of this act.

Sec. 210. RCW 54.12.010 and 2004 c 113 s 1 are each amended to read as follows:

A public utility district that is created as provided in RCW 54.08.010 shall be a municipal corporation of the state of Washington, and the name of such public utility district shall be Public Utility District No. . . . . of . . . . . County.

The powers of the public utility district shall be exercised through a commission consisting of three members in three commissioner districts, and five members in five commissioner districts.

(1) If the public utility district is countywide and the county has three county legislative authority districts, then, at the first election of commissioners and until any change is made in the boundaries of public utility district commissioner districts, one public utility district commissioner shall be chosen from each of the three county legislative authority districts.

(2) If the public utility district comprises only a portion of the county, with boundaries established in accordance with chapter 54.08 RCW, or if the public utility district is countywide and the county does not have three county legislative authority districts, three public utility district commissioner districts, numbered consecutively, each with approximately equal population and following precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, subject to appropriate change by the county legislative authority if and when it changes the boundaries of the proposed public utility district. One commissioner shall be elected as a commissioner of each of the public utility district commissioner districts.

(3) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district. Only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire public utility district may vote at a general election to elect a person as a commissioner of the commissioner district.

(4) The term of office of each public utility district commissioner other than the commissioners at large shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed in accordance with RCW ((~~29A.20.040~~)) 29A.60.280 following the commissioner's election. All public utility district commissioners shall hold office until their successors shall have been elected and have qualified and assume office in accordance with RCW ((~~29A.20.040~~)) 29A.60.280.

(5) A vacancy in the office of public utility district commissioner shall occur as provided in chapter 42.12 RCW or by nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission. Vacancies on a board of public utility district commissioners shall be filled as provided in chapter 42.12 RCW.

(6) The boundaries of the public utility district commissioner districts may be changed only by the public utility district commission or by a court order issued pursuant to section 403 of this act, and shall be examined every ten years to determine substantial equality of population in accordance with chapter 29A.76 RCW. Except as provided in this section ((~~or~~)), section 403 of this act, RCW 54.04.039, or in the case of an intervening census, the boundaries shall not be changed ((~~oftener~~)) more often than once in four years. Boundaries may only be changed when all members of the commission are present. Whenever territory is added to a public utility district under RCW 54.04.035, or added or withdrawn under RCW 54.04.039, the boundaries of the public utility commissioner districts shall be changed to include the additional or exclude the withdrawn territory. Unless the boundaries are changed pursuant to RCW 54.04.039, the proposed change of the boundaries of the public utility district commissioner district must be made by resolution and after public hearing. Notice of the time of the public hearing shall be published for two weeks before the hearing. Upon a referendum petition signed by ten percent of the qualified voters of the public utility district being filed with the county auditor, the county legislative authority shall submit the proposed change of boundaries to the voters of the public utility district for their approval or rejection. The petition must be filed within ninety days after the adoption of resolution of the proposed action. The validity of the petition is governed by the provisions of chapter 54.08 RCW.

PART III - CITIZEN-INITIATED CHANGES TO ELECTORAL PROCESSES

NEW SECTION. **Sec. 301.** (1) A voter who resides in the political subdivision who intends to challenge a political subdivision's electoral system under this act shall first notify the political subdivision. The political subdivision shall promptly make such notice public.

(2) The notice provided shall identify and provide contact information for the person or persons who intend to file an action, and shall identify the protected class or classes whose members do not have an equal opportunity to elect candidates of their choice or an equal opportunity to influence the outcome of an election because of alleged vote dilution and polarized voting. The notice shall also include a type of remedy the person believes may address the alleged violation of section 302 of this act.

NEW SECTION. **Sec. 302.** (1) A political subdivision is in violation of this act when it is shown that:

(a) Elections in the political subdivision exhibit polarized voting; and

(b) Members of a protected class or classes do not have an equal opportunity to elect candidates of their choice as a result of the dilution or abridgment of the rights of members of that protected class or classes.

(2) The fact that members of a protected class are not geographically compact or concentrated to constitute a majority in a proposed or existing district-based election district shall not preclude a finding of a violation under this act, but may be a factor in determining a remedy. The equal opportunity to elect shall be assessed pragmatically, based on local election conditions, and may include crossover districts.

(3) In determining whether there is polarized voting under this act, the court shall analyze elections of the governing body of the political subdivision, ballot measure elections, elections in which at least one candidate is a member of a protected class, and other electoral choices that affect the rights and privileges of members of a protected class. Elections conducted prior to the filing of an action pursuant to this act are more probative to establish the existence of racially polarized voting than elections conducted after the filing of an action.

(4) The election of candidates who are members of a protected class and who were elected prior to the filing of an action pursuant to this act shall not preclude a finding of polarized voting that results in an unequal opportunity for a protected class to elect candidates of their choice.

(5) Proof of intent on the part of the voters or elected officials to discriminate against a protected class is not required for a cause of action to be sustained.

(6) Other factors such as the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at-large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns are probative, but not necessary factors, to establish a violation of this act.

NEW SECTION. **Sec. 303.** (1) The political subdivision shall work in good faith with the person providing the notice to implement a remedy that provides the protected class or classes identified in the notice an equal opportunity to elect candidates of their choice. Such work in good faith to implement a remedy may include, but is not limited to consideration of: (a) Relevant electoral data; (b) relevant demographic data, including the most recent census data available; and (c) any other information that would be relevant to implementing a remedy.

(2) If the political subdivision adopts a remedy that takes the notice into account, or adopts the notice's proposed remedy, the political subdivision shall seek a court order acknowledging that the political subdivision's remedy complies with section 104 of this act and was prompted by a plausible violation. The person who submitted the notice may support or oppose such an order, and may obtain public records to do so. The political subdivision must provide all political, census, and demographic data and any analysis of that data used to develop the remedy in its filings seeking the court order and with any documents made public. All facts and reasonable inferences shall be viewed in the light most favorable to those opposing the political subdivision's proposed remedy at this stage. There shall be a rebuttable presumption that the court will decline to approve the political subdivision's proposed remedy at this stage.

(3) If the court concludes that the political subdivision's remedy complies with section 104 of this act, an action under this act may not be brought against that political subdivision for four years by any party so long as the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this act.

(4) In agreeing to adopt the person's proposed remedy, the political subdivision may do so by stipulation, which shall become a public document.

NEW SECTION. **Sec. 304.** (1) Any voter who resides in the political subdivision may file an action under this act if, one hundred eighty days after a political subdivision receives notice of a challenge to its electoral system under section 301 of this act, the political subdivision has not obtained a court order stating that it has adopted a remedy in compliance with section 104 of this act. However, if notice is received after July 1, 2021, then the political subdivision shall have ninety days to obtain a court order before an action may be filed.

(2) If a political subdivision has received two or more notices containing materially different proposed remedies, the political subdivision shall work in good faith with the persons to implement a remedy that provides the protected class or classes identified in the notices an equal opportunity to elect candidates of their choice. If the political subdivision adopts one of the remedies offered, or a different remedy that takes multiple notices into account, the political subdivision shall seek a court order acknowledging that the political subdivision's remedy is reasonably necessary to avoid a violation of section 104 of this act. The persons who submitted the notice may support or oppose such an order, and may obtain public records to do so. The political subdivision must provide all political, census, and demographic data and any analysis of that data used to develop the remedy in its filings seeking the court order and with any documents made public. All facts and reasonable inferences shall be viewed in the light most favorable to those opposing the political subdivision's proposed remedy at this stage. There shall be a rebuttable presumption that the court will decline to approve the political subdivision's proposed remedy at this stage.

(3) If the court concludes that the political subdivision's remedy complies with section 104 of this act, an action under this act may not be brought against that political subdivision for four years by any party so long as the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this act.

PART IV - SAFE HARBOR AND LEGAL ACTION UNDER THIS ACT

NEW SECTION. **Sec. 401.** (1) After exhaustion of the time period in section 304 of this act, any voter who resides in a political subdivision where a violation of section 104 of this act is alleged may file an action in the superior court of the county in which the political subdivision is located. If the action is against a county, the action may be filed in the superior court of such county, or in the superior court of either of the two nearest judicial districts as determined pursuant to RCW 36.01.050(2). An action filed pursuant to this chapter does not need to be filed as a class action.

(2) Members of different protected classes may file an action jointly pursuant to this act if they demonstrate that the combined voting preferences of the multiple protected classes are polarized against the rest of the electorate.

NEW SECTION. **Sec. 402.** (1) In an action filed pursuant to this act, the trial court shall set a trial to be held no later than one year after the filing of a complaint, and shall set a discovery and motions calendar accordingly.

(2) For purposes of any applicable statute of limitations, a cause of action under this act arises every time there is an election for any members of the governing body of the political subdivision.

(3) The plaintiff's constitutional right to the secrecy of the plaintiff's vote is preserved and is not waived by the filing of an action pursuant to this act, and the filing is not subject to discovery or disclosure.

(4) In seeking a temporary restraining order or a preliminary injunction, a plaintiff shall not be required to post a bond or any other security in order to secure such equitable relief.

(5) No notice may be submitted to any political subdivision pursuant to this act before July 19, 2018.

NEW SECTION. **Sec. 403.** (1) The court may order appropriate remedies including, but not limited to, the imposition of a district-based election system. The court may order the affected jurisdiction to draw or redraw district boundaries or appoint an individual or panel to draw or redraw district lines. The proposed districts must be approved by the court prior to their implementation.

(2) Implementation of a district-based remedy is not precluded by the fact that members of a protected class do not constitute a numerical majority within a proposed district-based election district. If, in tailoring a remedy, the court orders the implementation of a district-based election district where the members of the protected class are not a numerical majority, the court shall do so in a manner that provides the protected class an equal opportunity to elect candidates of their choice. The court may also approve a district-based election system that provides the protected class the opportunity to join in a coalition of two or more protected classes to elect candidates of their choice if there is demonstrated political cohesion among the protected classes.

(3) In tailoring a remedy after a finding of a violation of section 104 of this act:

(a) If the court's order providing a remedy or approving proposed districts, whichever is later, is issued during the period of time between the first Tuesday after the first Monday of November and on or before January 15th of the following year, the court shall order new elections, conducted pursuant to the remedy, to occur at the next succeeding general election. If a special filing period is required, filings for that office shall be reopened for a period of three business days, such three-day period to be fixed by the filing officer.

(b) If the court's order providing a remedy or approving proposed districts, whichever is later, is issued during the period of time between January 16th and on or before the first Monday of November, the next election will occur as scheduled and organized under the current electoral system, but the court shall order new elections to occur pursuant to the remedy at the general election the following calendar year.

(c) The remedy may provide for the political subdivision to hold elections for the members of its governing body at the same time as regularly scheduled elections for statewide or federal offices.

(4) Within thirty days of the conclusion of any action filed under section 402 of this act, the political subdivision must publish on the subdivision's web site, the outcome and summary of the action, as well as the legal costs incurred by the subdivision. If the political subdivision does not have its own web site, then it may publish on the county web site.

NEW SECTION. **Sec. 404.** (1) No action under this act may be brought by any person against a political subdivision that has adopted a remedy to its

electoral system after an action is filed that is approved by a court pursuant to section 303 of this act or implemented a court-ordered remedy pursuant to section 403 of this act for four years after adoption of the remedy if the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this act.

(2) No action under this act may be brought by any person against a political subdivision that has adopted a remedy to its electoral system in the previous decade before the effective date of this section as a result of a claim under the federal voting rights act until after the political subdivision completes redistricting pursuant to RCW 29A.76.010 for the 2020 decennial census.

NEW SECTION. **Sec. 405.** (1) In any action to enforce this chapter, the court may allow the prevailing plaintiff or plaintiffs, other than the state or political subdivision thereof, reasonable attorneys' fees, all nonattorney fee costs as defined by RCW 4.84.010, and all reasonable expert witness fees. No fees or costs may be awarded if no action is filed.

(2) Prevailing defendants may recover an award of fees or costs pursuant to RCW 4.84.185.

PART V - MISCELLANEOUS PROVISIONS

NEW SECTION. **Sec. 501.** The provisions of parts I, III, and IV of this act are not applicable to cities and towns with populations under one thousand or to school districts with K-12 full-time equivalent enrollments of less than two hundred fifty.

NEW SECTION. **Sec. 502.** A new section is added to chapter 29A.76 RCW to read as follows:

In any change to its electoral system under section 201 of this act or preparation of a redistricting plan under section 201 of this act, political subdivisions may use population data regarding political parties only to the extent necessary to ensure compliance with this act or federal law.

NEW SECTION. **Sec. 503.** This act supersedes other state laws and local ordinances to the extent that those state laws or ordinances would otherwise restrict a jurisdiction's ability to comply with this act.

NEW SECTION. **Sec. 504.** 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. 505.** Sections 101 through 202, 301 through 501, and 503 of this act constitute a new chapter in Title 29A RCW.

Passed by the Senate March 5, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 19, 2018.
Filed in Office of Secretary of State March 20, 2018.

CHAPTER 114

[House Bill 1452]

OPPORTUNITY SCHOLARSHIP PROGRAM

AN ACT Relating to the opportunity scholarship program; and amending RCW 28B.145.005, 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.040, and 28B.145.090.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 28B.145.005 and 2011 1st sp.s. c 13 s 1 are each amended to read as follows:

The legislature finds that, despite increases in degree production, there remain acute shortages in high employer demand programs of study, particularly in the science, technology, engineering, and mathematics (STEM) and health care fields of study. According to the workforce training and education coordinating board, seventeen percent of Washington businesses had difficulty finding job applicants in 2010. Eleven thousand employers did not fill a vacancy because they lacked qualified job applicants. Fifty-nine percent of projected job openings in Washington state from now until 2017 will require some form of postsecondary education and training.

It is the intent of the legislature to provide jobs and opportunity by making Washington the place where the world's most productive companies find the world's most talented people. The legislature intends to accomplish this through the creation of the opportunity scholarship and the opportunity expansion programs to help mitigate the impact of tuition increases, increase the number of professional-technical certificates, professional-technical degrees, and baccalaureate degrees in high employer demand and other programs, and invest in programs and students to meet market demands for a knowledge-based economy while filling middle-income jobs with a sufficient supply of skilled workers.

Sec. 2. RCW 28B.145.010 and 2014 c 208 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the opportunity scholarship board.

(2) "Council" means the student achievement council.

(3) "Eligible education programs" means high employer demand and other programs of study as determined by the board.

(4) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses as determined by the program administrator in consultation with the council and the state board for community and technical colleges.

(5) "Eligible student" means a resident student who received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and who:

(a)(i) Has been accepted at a four-year institution of higher education into an eligible education program leading to a baccalaureate degree; ((~~or~~))

(ii) Will attend a two-year institution of higher education and intends to transfer to an eligible education program at a four-year institution of higher education;

(iii) Has been accepted at an institution of higher education into a professional-technical degree program in an eligible education program; or

(iv) Has been accepted at an institution of higher education into a professional-technical certificate program in an eligible education program;

(b) Declares an intention to obtain a professional-technical certificate, professional-technical degree, or baccalaureate degree; and

(c) Has a family income at or below one hundred twenty-five percent of the state median family income at the time the student applies for an opportunity scholarship.

(6) "High employer demand program of study" has the same meaning as provided in RCW 28B.50.030.

(7) "Participant" means an eligible student who has received a scholarship under the opportunity scholarship program.

(8) "Professional-technical certificate" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education.

(9) "Professional-technical degree" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education.

(10) "Program administrator" means a ((~~college scholarship organization that is a~~)) private nonprofit corporation registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code((~~, with expertise in managing scholarships and college advising~~)).

((~~(9)~~)) (11) "Resident student" has the same meaning as provided in RCW 28B.15.012.

Sec. 3. RCW 28B.145.020 and 2014 c 208 s 2 are each amended to read as follows:

(1) The opportunity scholarship board is created. The board consists of eleven members:

(a) Six members appointed by the governor. For three of the six appointments, the governor shall consider names from a list provided by the president of the senate and the speaker of the house of representatives; and

(b) Five foundation or business and industry representatives appointed by the governor from among the state's most productive industries such as aerospace, manufacturing, health care, information technology, engineering, agriculture, and others, as well as philanthropy. The foundation or business and industry representatives shall be selected from among nominations provided by the private sector donors to the opportunity scholarship and opportunity expansion programs. However, the governor may request, and the private sector donors shall provide, an additional list or lists from which the governor shall select these representatives.

(2) Board members shall hold their offices for a term of four years from the first day of September and until their successors are appointed. No more than the terms of two members may expire simultaneously on the last day of August in any one year.

(3) The members of the board shall elect one of the business and industry representatives to serve as chair.

(4) Seven members of the board constitute a quorum for the transaction of business. In case of a vacancy, or when an appointment is made after the date of expiration of the term, the governor or the president of the senate or the speaker of the house of representatives, depending upon which made the initial appointment to that position, shall fill the vacancy for the remainder of the term of the board member whose office has become vacant or expired.

(5) The board shall be staffed by ((~~the~~)) a program administrator, under contract with the board and the council.

(6) The purpose of the board is to provide oversight and guidance for the opportunity expansion and the opportunity scholarship programs in light of established legislative priorities and to fulfill the duties and responsibilities under this chapter, including but not limited to determining eligible education programs for purposes of the opportunity scholarship program. Duties, exercised jointly with the program administrator, include soliciting funds and setting annual fund-raising goals.

(7) The board may report to the governor and the appropriate committees of the legislature with recommendations as to:

(a) Whether some or all of the scholarships should be changed to conditional scholarships that must be repaid in the event the participant does not complete the eligible education program; and

(b) A source or sources of funds for the opportunity expansion program in addition to the voluntary contributions of the high-technology research and development tax credit under RCW 82.32.800.

Sec. 4. RCW 28B.145.030 and 2014 c 208 s 3 are each amended to read as follows:

(1) The program administrator((~~, under contract with the council,~~)) shall staff the board and shall ((~~have~~)) provide administrative support to execute the duties and responsibilities provided in this chapter, including but not limited to publicizing the program, selecting participants for the opportunity scholarship award, distributing opportunity scholarship awards, and achieving the maximum possible rate of return on investment of the accounts in subsection (2) of this section, while ensuring transparency in the investment decisions and processes. Duties, exercised jointly with the board, include soliciting funds and setting annual fund-raising goals. The program administrator shall be paid an administrative fee as determined by the board.

(2) With respect to the opportunity scholarship program, the program administrator shall:

(a) Establish and manage ((~~two~~)) three separate accounts into which to receive grants and contributions from private sources as well as state matching funds, and from which to disburse scholarship funds to participants;

(b) Solicit and accept grants and contributions from private sources, via direct payment, pledge agreement, or escrow account, of private sources for deposit into ((~~one or both of the two~~)) any of the three specified accounts created in this subsection (2)(b) upon the direction of the donor and in accordance with this subsection (2)(b):

(i) The "scholarship account," whose principal may be invaded, and from which scholarships must be disbursed for baccalaureate programs beginning no later than December 1, 2011, if, by that date, state matching funds in the amount of five million dollars or more have been received. Thereafter, scholarships shall be disbursed on an annual basis beginning no later than May 1, 2012, and every October 1st thereafter;

(ii) The "student support pathways account," whose principal may be invaded, and from which scholarships may be disbursed for professional-technical certificate or degree programs in the fiscal year following

appropriations of state matching funds. Thereafter, scholarships shall be disbursed on an annual basis;

(iii) The "endowment account," from which scholarship moneys may be disbursed for baccalaureate programs from earnings only in years when:

(A) The state match has been made into both the scholarship and the endowment account;

(B) The state appropriations for the state need grant under RCW 28B.92.010 meet or exceed state appropriations for the state need grant made in the 2011-2013 biennium, adjusted for inflation, and eligibility for state need grant recipients is at least seventy percent of state median family income; and

(C) The state has demonstrated progress toward the goal of total per-student funding levels, from state appropriations plus tuition and fees, of at least the sixtieth percentile of total per-student funding at similar public institutions of higher education in the global challenge states, as defined, measured, and reported in RCW 28B.15.068. In any year in which the office of financial management reports that the state has not made progress toward this goal, no new scholarships may be awarded. In any year in which the office of financial management reports that the percentile of total per-student funding is less than the sixtieth percentile and at least five percent less than the prior year, pledges of future grants and contributions may, at the request of the donor, be released and grants and contributions already received refunded to the extent that opportunity scholarship awards already made can be fulfilled from the funds remaining in the endowment account. In fulfilling the requirements of this subsection, the office of financial management shall use resources that facilitate measurement and comparisons of the most recently completed academic year. These resources may include, but are not limited to, the data provided in a uniform dashboard format under RCW 28B.77.090 as the statewide public four-year dashboard and academic year reports prepared by the state board for community and technical colleges;

((~~(iii)~~)) (iv) An amount equal to at least fifty percent of all grants and contributions must be deposited into the scholarship account until such time as twenty million dollars have been deposited into the account, after which time the private donors may designate whether their contributions must be deposited to the scholarship, the student support pathways, or the endowment account. The board and the program administrator must work to maximize private sector contributions to ((~~both~~)) the scholarship account, the student support pathways account, and the endowment account, to maintain a robust scholarship program while simultaneously building the endowment, and to determine the division between the ((~~two~~)) scholarship, the student support pathways, and the endowment accounts in the case of undesignated grants and contributions, taking into account the need for a long-term funding mechanism and the short-term needs of families and students in Washington. The first five million dollars in state match, as provided in RCW 28B.145.040, shall be deposited into the scholarship account and thereafter the state match shall be deposited into the ((~~two~~)) three accounts in equal proportion to the private funds deposited in each account; and

((~~(iv)~~)) (v) Once moneys in the opportunity scholarship match transfer account are subject to an agreement under RCW 28B.145.050(5) and are deposited in the scholarship account, student support pathways account, or

endowment account under this section, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the scholarship account, student support pathways account, and endowment account are not considered state money, common cash, or revenue to the state;

(c) Provide proof of receipt of grants and contributions from private sources to the council, identifying the amounts received by name of private source and date, and whether the amounts received were deposited into the scholarship, the student support pathways, or the endowment account;

(d) In consultation with the council and the state board for community and technical colleges, make an assessment of the reasonable annual eligible expenses associated with eligible education programs identified by the board;

(e) Determine the dollar difference between tuition fees charged by institutions of higher education in the 2008-09 academic year and the academic year for which an opportunity scholarship is being distributed;

(f) Develop and implement an application, selection, and notification process for awarding opportunity scholarships;

(g) Determine the annual amount of the opportunity scholarship for each selected participant. The annual amount shall be at least one thousand dollars or the amount determined under (e) of this subsection, but may be increased on an income-based, sliding scale basis up to the amount necessary to cover all reasonable annual eligible expenses as assessed pursuant to (d) of this subsection, or to encourage participation in professional-technical certificate programs, professional-technical degree programs, or baccalaureate degree programs identified by the board;

(h) Distribute scholarship funds to selected participants. Once awarded, and to the extent funds are available for distribution, an opportunity scholarship shall be automatically renewed as long as the participant annually submits documentation of filing both a free application for federal student aid (FAFSA) and for available federal education tax credits including, but not limited to, the American opportunity tax credit, or if ineligible to apply for federal student aid, the participant annually submits documentation of filing a state financial aid application as approved by the office of student financial assistance; and until the participant withdraws from or is no longer attending the program, completes the program, or has taken the credit or clock hour equivalent of one hundred twenty-five percent of the published length of time of the participant's program, whichever occurs first((~~, and as long as the participant annually submits documentation of filing both a free application for federal student aid and for available federal education tax credits, including but not limited to the American opportunity tax credit~~)); and

(i) Notify institutions of scholarship recipients who will attend their institutions and inform them of the terms of the students' eligibility.

(3) With respect to the opportunity expansion program, the program administrator shall:

(a) Assist the board in developing and implementing an application, selection, and notification process for making opportunity expansion awards; and

(b) Solicit and accept grants and contributions from private sources for opportunity expansion awards.

Sec. 5. RCW 28B.145.040 and 2011 1st sp.s. c 13 s 5 are each amended to read as follows:

(1) The opportunity scholarship program is established.

(2) The purpose of this scholarship program is to provide scholarships that will help low and middle-income Washington residents earn professional-technical certificates, professional-technical degrees, or baccalaureate degrees in high employer demand and other programs of study and encourage them to remain in the state to work. The program must be designed for ((~~both~~)) students starting professional-technical certificate or degree programs, students starting at two-year institutions of higher education and intending to transfer to four-year institutions of higher education, and students starting at four-year institutions of higher education.

(3) The opportunity scholarship board shall determine which programs of study, including but not limited to high employer demand programs, are eligible for purposes of the opportunity scholarship.

(4) The source of funds for the program shall be a combination of private grants and contributions and state matching funds. A state match may be earned under this section for private contributions made on or after June 6, 2011. A state match, up to a maximum of fifty million dollars annually, shall be provided beginning the later of January 1, 2014, or January 1st next following the end of the fiscal year in which collections of state retail sales and use tax, state business and occupation tax, and state public utility tax exceed, by ten percent the amounts collected from these tax resources in the fiscal year that ended June 30, 2008, as determined by the department of revenue.

Sec. 6. RCW 28B.145.090 and 2014 c 208 s 4 are each amended to read as follows:

(1) The board may elect to have the state investment board invest the funds in the scholarship account, the student support pathways account, and the endowment account described under RCW 28B.145.030(2)(b). If the board so elects, the state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the ((~~two~~)) three accounts. All investment and operating costs associated with the investment of money shall be paid under RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the accounts.

(2) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care under RCW 43.33A.140 and the investment policy established by the state investment board.

(3) As deemed appropriate by the state investment board, money in the scholarship, student support pathways, and endowment accounts may be commingled for investment with other funds subject to investment by the state investment board.

(4) Members of the state investment board shall not be considered an insurer of the funds or assets and are not liable for any action or inaction.

(5) Members of the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The state investment board in its discretion may purchase liability insurance for members.

(6) The authority to establish all policies relating to the scholarship account, the student support pathways account, and the endowment account, other than the investment policies as provided in subsections (1) through (3) of this section, resides with the board and program administrator acting in accordance with the principles set forth in this chapter. With the exception of expenses of the state investment board in subsection (1) of this section, disbursements from the scholarship account, the student support pathways account, and the endowment account shall be made only on the authorization of the opportunity scholarship board or its designee, and moneys in the accounts may be spent only for the purposes specified in this chapter.

(7) The state investment board shall routinely consult and communicate with the board on the investment policy, earnings of the accounts, and related needs of the program.

Passed by the House March 5, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 115

[Senate Bill 5912]

TOMOSYNTHESIS AND THREE-DIMENSIONAL MAMMOGRAPHY--INSURANCE COVERAGE

AN ACT Relating to insurance coverage of tomosynthesis or three-dimensional mammography; and adding a new section to chapter 48.43 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Digital breast tomosynthesis, also called three-dimensional mammography, is the latest advancement in breast imaging. Studies indicate that digital breast tomosynthesis can result in a forty-one percent increase in invasive cancer detection, a fifteen percent decrease in the recall rate from screening mammography, and a twenty-nine percent increase in the detection of all breast cancers. In addition, the American college of radiology has indicated that tomosynthesis is no longer investigational. Therefore, it is the intent of the legislature to ensure women have access to the most effective breast imaging and to clarify that the existing mandate for mammography must include tomosynthesis.

(2) The legislature directs the office of the insurance commissioner to clarify that the existing mandates for mammography in RCW 48.20.393, 48.21.225, 48.44.325, and 48.46.275 include coverage for tomosynthesis under the same terms and conditions currently allowed for mammography. The application of a deductible and cost sharing is prohibited, consistent with 42 U.S.C. Sec. 300-gg-13.

(3) The legislature also directs the health care authority to clarify that the existing mandate for mammography in RCW 41.05.180 includes coverage for tomosynthesis under the same terms and conditions currently allowed for

mammography. The application of a deductible and cost sharing is prohibited, consistent with 42 U.S.C. Sec. 300-gg-13.

Passed by the Senate January 31, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 116

[Second Substitute House Bill 1506]

WAGES AND ADVANCEMENT OPPORTUNITIES--GENDER

AN ACT Relating to workplace practices to achieve gender pay equity; amending RCW 49.12.175; adding a new chapter to Title 49 RCW; recodifying RCW 49.12.175; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that despite existing equal pay laws, there continues to be a gap in wages and advancement opportunities among workers in Washington, especially women. Income disparities limit the ability of women to provide for their families, leading to higher rates of poverty among women and children. The legislature finds that in order to promote fairness among workers, employees must be compensated equitably. Further, policies that encourage retaliation or discipline towards workers who discuss or inquire about compensation prevent workers from moving forward.

The legislature intends to update the existing Washington state equal pay act, not modified since 1943, to address income disparities, employer discrimination, and retaliation practices, and to reflect the equal status of all workers in Washington state.

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

(1) "Compensation" means discretionary and nondiscretionary wages and benefits provided by an employer to an employee as a result of the employment relationship.

(2) "Department" means the department of labor and industries.

(3) "Director" means the director of the department of labor and industries, or the director's designated representative.

(4) "Employee" means an employee who is employed in the business of the employee's employer whether by way of manual labor or otherwise.

(5) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

Sec. 3. RCW 49.12.175 and 1943 c 254 s 1 are each amended to read as follows:

(1) Any employer in this state((~~, employing both males and females, who shall discriminate in any way in the payment of wages as between sexes or who shall pay any female a less wage, be it time or piece work, or salary, than is~~

~~being paid to males~~)) who discriminates in any way in providing compensation based on gender between similarly employed((~~, or in any employment formerly performed by males, shall be~~)) employees of the employer is guilty of a misdemeanor. If any ((~~female~~)) employee ((~~shall~~)) receives less compensation because of ((~~being discriminated against~~)) discrimination on account of ((~~her sex, and~~)) gender in violation of this section, ((~~she shall be~~)) that employee is entitled to ((~~recover in a civil action the full amount of compensation that she would have received had she not been discriminated against~~)) the remedies in sections 7 and 8 of this act. In such action, however, the employer shall be credited with any compensation which has been paid to ((~~her~~)) the employee upon account. ((~~A differential in wages between employees based in good faith on a factor or factors other than sex shall not constitute discrimination within the meaning of RCW 49.12.010 through 49.12.180.~~))

(2) For purposes of this section, employees are similarly employed if the individuals work for the same employer, the performance of the job requires similar skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed.

(3)(a) Discrimination within the meaning of this section does not include a differential in compensation based in good faith on a bona fide job-related factor or factors that:

(i) Are consistent with business necessity;

(ii) Are not based on or derived from a gender-based differential; and

(iii) Account for the entire differential. More than one factor may account for the differential.

(b) Such bona fide factors include, but are not limited to:

(i) Education, training, or experience;

(ii) A seniority system;

(iii) A merit system;

(iv) A system that measures earnings by quantity or quality of production; or

(v) A bona fide regional difference in compensation levels.

(c) A differential in compensation based in good faith on a local government ordinance providing for a minimum wage different from state law does not constitute discrimination under this section.

(d) An individual's previous wage or salary history is not a defense under this section.

(e) The employer carries the burden of proof on these defenses.

NEW SECTION. **Sec. 4.** (1) The legislature finds that equality of opportunity for advancement is key to reducing income disparities based on gender. The legislature further finds that using gender as a factor in advancement contributes to pay inequity.

(2) An employer may not, on the basis of gender, limit or deprive an employee of career advancement opportunities that would otherwise be available.

(3) A differential in career advancement based on a bona fide job-related factor or factors that meet the criteria in RCW 49.12.175(3)(a) (i) through (iii) (as recodified by this act) does not constitute discrimination within the meaning

of this section. Such bona fide factors include, but are not limited to, the factors specified in RCW 49.12.175(3)(b) (i) through (iv) (as recodified by this act).

(4)(a) If it is determined that an employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the employee is entitled to the remedies in this section and in section 8 of this act.

(b) Upon complaint by an employee, the director must investigate to determine if there has been compliance with this section and the rules adopted to implement this section. The director, upon complaint, may also initiate an investigation on behalf of one or more employees for a violation of this section and the rules adopted to implement this section. The director may require the testimony of witnesses and production of documents as part of an investigation.

(c) If the director determines that a violation occurred, the director shall attempt to resolve the violation by conference and conciliation.

(d) If no agreement is reached to resolve the violation and the director determines that the employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the director may issue a citation and notice of assessment and order:

(i) The employer to pay to the employee actual damages, statutory damages equal to the actual damages or five thousand dollars, whichever is greater, and interest of one percent per month on all compensation owed;

(ii) The employer to pay to the department the costs of investigation and enforcement; and

(iii) Any other appropriate relief.

(e) In addition to the citation and notice of assessment, if the director determines that the employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the director may order payment to the department of a civil penalty. The violation as to each affected employee constitutes a separate violation.

(i) For a first violation, the civil penalty may not exceed five hundred dollars.

(ii) For a repeat violation, the civil penalty may not exceed one thousand dollars or ten percent of the damages, whichever is greater.

(f) Section 7 (3), (4), and (5) of this act applies to this section.

NEW SECTION. **Sec. 5.** (1) An employer may not:

(a) Require nondisclosure by an employee of his or her wages as a condition of employment; or

(b) Require an employee to sign a waiver or other document that prevents the employee from disclosing the amount of the employee's wages.

(2) An employer may not discharge or in any other manner retaliate against an employee for:

(a) Inquiring about, disclosing, comparing, or otherwise discussing the employee's wages or the wages of any other employee;

(b) Asking the employer to provide a reason for the employee's wages or lack of opportunity for advancement; or

(c) Aiding or encouraging an employee to exercise his or her rights under this section.

(3) An employer may prohibit an employee who has access to compensation information of other employees or applicants as part of such employee's essential job functions from disclosing the wages of the other employees or applicants to individuals who do not otherwise have access to such information, unless the disclosure is in response to a complaint or charge, in furtherance of an investigation, or consistent with the employer's legal duty to provide the information and the disclosure is part of the employee's essential job functions. An employee described in this subsection otherwise has the protections of this section, including to disclose the employee's wages without retaliation.

(4) This section does not require an employee to disclose the employee's compensation.

(5) This section does not permit an employee to violate the requirements in chapter 49.17 RCW and rules adopted under that chapter.

NEW SECTION. **Sec. 6.** An employer may not retaliate, discharge, or otherwise discriminate against an employee because the employee has filed any complaint, or instituted or caused to be instituted any proceeding under this chapter, or has testified or is about to testify in any such proceeding, or because of the exercise by such employee on behalf of himself or herself or others of any right afforded by this chapter.

NEW SECTION. **Sec. 7.** (1) Upon complaint by an employee, the director must investigate to determine if there has been compliance with RCW 49.12.175 (as recodified by this act), sections 5 and 6 of this act, and the rules adopted under this chapter. The director, upon complaint, may also initiate an investigation on behalf of one or more employees for a violation of RCW 49.12.175 (as recodified by this act), sections 5 and 6 of this act, and the rules adopted under this chapter. The director may require the testimony of witnesses and production of documents as part of an investigation.

(2) If the director determines that a violation occurred, the director shall attempt to resolve the violation by conference and conciliation.

(a) If no agreement is reached to resolve the violation, the director may issue a citation and notice of assessment and order the employer to pay to the complainant actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; payment to the department of the costs of investigation and enforcement; and any other appropriate relief.

(b) In addition to the citation and notice of assessment, the director may order payment to the department of a civil penalty. For purposes of a civil penalty for violation of RCW 49.12.175 (as recodified by this act) and section 6 of this act, the violation as to each affected employee constitutes a separate violation.

(i) For a first violation, the civil penalty may not exceed five hundred dollars.

(ii) For a repeat violation, the civil penalty may not exceed one thousand dollars or ten percent of the damages, whichever is greater.

(3) An appeal from the director's determination may be taken in accordance with chapter 34.05 RCW. An employee who prevails is entitled to costs and reasonable attorneys' fees.

(4) The department must deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(5) Any wages and interest owed must be calculated from four years from the last violation before the complaint.

NEW SECTION. **Sec. 8.** (1) Subject to subsection (2) of this section, an employee may bring a civil action against an employer for violation of RCW 49.12.175 (as recodified by this act) and sections 4 through 6 of this act for actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; and costs and reasonable attorneys' fees. The court may also order reinstatement and injunctive relief. The employee must bring a civil action within three years of the date of the alleged violation of this chapter regardless of whether the employee pursued an administrative complaint. Filing a civil action under this chapter shall terminate the director's processing of the complaint under section 4 or 7 of this act. Recovery of any wages and interest owed must be calculated from four years from the last violation prior to the date of filing the civil action.

(2) An employee alleging a violation of section 4 of this act is entitled to relief only if the court determines that the employer committed a pattern of violations as to the employee or committed a violation through application of a formal or informal employer policy or practice.

NEW SECTION. **Sec. 9.** A violation of this chapter occurs when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

NEW SECTION. **Sec. 10.** The department shall include notice of the provisions of this chapter in the next reprinting of employment posters.

NEW SECTION. **Sec. 11.** The department may adopt rules to implement sections 1 and 4 through 7 of this act and RCW 49.12.175 (as recodified by this act).

NEW SECTION. **Sec. 12.** RCW 49.12.175 is recodified as a section in chapter 49.--- RCW (the new chapter created in section 13 of this act).

NEW SECTION. **Sec. 13.** Sections 1, 2, and 4 through 11 of this act constitute a new chapter in Title 49 RCW.

Passed by the House March 7, 2018.

Passed by the Senate March 6, 2018.

Approved by the Governor March 21, 2018.

Filed in Office of Secretary of State March 23, 2018.

CHAPTER 117

[Substitute Senate Bill 5996]

WORKPLACE SEXUAL HARASSMENT AND SEXUAL ASSAULT--NONDISCLOSURE AGREEMENTS

AN ACT Relating to encouraging the disclosure and discussion of sexual harassment and sexual assault in the workplace; and adding a new section to chapter 49.44 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44 RCW to read as follows:

(1) Except for settlement agreements under subsection (4) of this section, an employer may not require an employee, as a condition of employment, to sign a nondisclosure agreement, waiver, or other document that prevents the employee from disclosing sexual harassment or sexual assault occurring in the workplace, at work-related events coordinated by or through the employer, or between employees, or between an employer and an employee, off the employment premises.

(2) Except for settlement agreements under subsection (4) of this section, any nondisclosure agreement, waiver, or other document signed by an employee as a condition of employment that has the purpose or effect of preventing the employee from disclosing or discussing sexual harassment or sexual assault occurring in the workplace, at work-related events coordinated by or through the employer, or between employees, or between an employer and an employee, off the employment premises is against public policy and is void and unenforceable.

(3) It is an unfair practice under chapter 49.60 RCW for an employer to discharge or otherwise retaliate against an employee for disclosing or discussing sexual harassment or sexual assault occurring in the workplace, at work-related events coordinated by or through the employer, or between employees, or between an employer and an employee, off the employment premises.

(4) This section does not prohibit a settlement agreement between an employee or former employee alleging sexual harassment and an employer from containing confidentiality provisions.

(5) For the purposes of this section:

(a) "Sexual assault" means any type of sexual contact or behavior that occurs without the explicit consent of the recipient.

(b) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) "Sexual harassment" has the same meaning as in RCW 28A.640.020.

(d) "Employee" does not include human resources staff, supervisors, or managers when they are expected to maintain confidentiality as part of their assigned job duties. It also does not include individuals who are notified and asked to participate in an open and ongoing investigation into alleged sexual harassment and requested to maintain confidentiality during the pendency of that investigation.

Passed by the Senate February 8, 2018.

Passed by the House February 27, 2018.

Approved by the Governor March 21, 2018.

Filed in Office of Secretary of State March 23, 2018.

CHAPTER 118

[Engrossed Substitute Senate Bill 6068]

SEXUAL HARASSMENT AND SEXUAL ASSAULT--NONDISCLOSURE AGREEMENTS--DISCOVERY

AN ACT Relating to the applicability of nondisclosure agreements in civil actions for sexual harassment or assault; adding a new section to chapter 4.24 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW to read as follows:

(1) In any civil judicial or administrative action relating to sexual harassment or sexual assault, a nondisclosure policy or agreement that purports to limit the ability of any person to produce evidence regarding past instances of sexual harassment or sexual assault by a party to the civil action does not affect discovery or the availability of witness testimony relating to that civil action. Any provision of a nondisclosure policy or agreement including any arbitration agreement or decision that would limit, prevent, or punish such disclosure is contrary to public policy and unenforceable. However, the court or presiding officer shall enter appropriate orders upon motion of any party supported by affidavit or sworn declaration, or without motion but on the court's or presiding officer's own accord, to ensure that the identity of any person who is or is alleged to be a victim of sexual harassment or sexual assault is not made public as a result of a disclosure made under this section, unless such person consents.

(2) The provisions of this section do not alter admissibility standards of evidence for the court or presiding officer to decide whether the probative value of evidence offered outweighs the potential prejudice.

NEW SECTION. **Sec. 2.** This act applies to actions pending as of the effective date and actions filed after the effective date.

Passed by the Senate March 5, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 119

[Substitute Senate Bill 6219]

REPRODUCTIVE HEALTH--HEALTH PLAN COVERAGE

AN ACT Relating to improving access to reproductive health; adding new sections to chapter 48.43 RCW; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds and declares that:

(1) Washington has a long history of protecting gender equity and women's reproductive health;

(2) Access to the full range of health benefits and preventive services, as guaranteed under the laws of this state, provides all Washingtonians with the opportunity to lead healthier and more productive lives;

(3) Reproductive health care is the care necessary to support the reproductive system, the capability to reproduce, and the freedom and services

necessary to decide if, when, and how often to do so, which can include contraception, cancer and disease screenings, abortion, preconception, maternity, prenatal, and postpartum care. This care is an essential part of primary care for women and teens, and often reproductive health issues are the primary reason they seek routine medical care;

(4) Neither a woman's income level nor her type of insurance should prevent her from having access to a full range of reproductive health care, including contraception and abortion services;

(5) Restrictions and barriers to health coverage for reproductive health care have a disproportionate impact on low-income women, women of color, immigrant women, and young women, and these women are often already disadvantaged in their access to the resources, information, and services necessary to prevent an unintended pregnancy or to carry a healthy pregnancy to term;

(6) This state has a history of supporting and expanding timely access to comprehensive contraceptive access to prevent unintended pregnancy;

(7) Existing state and federal law should be enhanced to ensure greater contraceptive coverage and timely access for all individuals covered by health plans in Washington to all methods of contraception approved by the federal food and drug administration;

(8) Nearly half of pregnancies in both the United States and Washington are unintended. Unintended pregnancy is associated with negative outcomes, such as delayed prenatal care, maternal depression, increased risk of physical violence during pregnancy, low birth weight, decreased mental and physical health during childhood, and lower education attainment for the child;

(9) Access to contraception has been directly connected to the economic success of women and the ability of women to participate in society equally;

(10) Cost-sharing requirements and other barriers can dramatically reduce the use of preventive health care measures, particularly for women in lower income households, and eliminating cost sharing and other barriers for contraceptives leads to sizable increases in the use of preventive health care measures;

(11) It is vital that the full range of contraceptives are available to women because contraindications may restrict the use of certain types of contraceptives and because women need access to the contraceptive method most effective for their health;

(12) Medical management techniques such as denials, step therapy, or prior authorization in public and private health care coverage can impede access to the most effective contraceptive methods;

(13) Many insurance companies do not typically cover male methods of contraception, or they require high cost sharing despite the critical role men play in the prevention of unintended pregnancy; and

(14) Restrictions on abortion coverage interfere with a woman's personal, private pregnancy decision making, with his or her health and well-being, and with his or her constitutionally protected right to safe and legal medical abortion care.

NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43 RCW to read as follows:

(1) A health plan issued or renewed on or after January 1, 2019, shall provide coverage for:

(a) All contraceptive drugs, devices, and other products, approved by the federal food and drug administration, including over-the-counter contraceptive drugs, devices, and products, approved by the federal food and drug administration;

(b) Voluntary sterilization procedures;

(c) The consultations, examinations, procedures, and medical services that are necessary to prescribe, dispense, insert, deliver, distribute, administer, or remove the drugs, devices, and other products or services in (a) and (b) of this subsection.

(2) The coverage required by subsection (1) of this section:

(a) May not require copayments, deductibles, or other forms of cost sharing, unless the health plan is offered as a qualifying health plan for a health savings account. For such a qualifying health plan, the carrier must establish the plan's cost sharing for the coverage required by subsection (1) of this section at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions and withdrawals from his or her health savings account under internal revenue service laws and regulations; and

(b) May not require a prescription to trigger coverage of over-the-counter contraceptive drugs, devices, and products, approved by the federal food and drug administration.

(3) A health carrier may not deny the coverage required in subsection (1) of this section because an enrollee changed his or her contraceptive method within a twelve-month period.

(4) Except as otherwise authorized under this section, a health benefit plan may not impose any restrictions or delays on the coverage required under this section, such as medical management techniques that limit enrollee choice in accessing the full range of contraceptive drugs, devices, or other products, approved by the federal food and drug administration.

(5) Benefits provided under this section must be extended to all enrollees, enrolled spouses, and enrolled dependents.

(6) This section may not be construed to allow for denial of care on the basis of race, color, national origin, sex, sexual orientation, gender expression or identity, marital status, age, citizenship, immigration status, or disability.

NEW SECTION. **Sec. 3.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as provided in subsection (5) of this section, if a health plan issued or renewed on or after January 1, 2019, provides coverage for maternity care or services, the health plan must also provide a covered person with substantially equivalent coverage to permit the abortion of a pregnancy.

(2)(a) Except as provided in (b) of this subsection, a health plan subject to subsection (1) of this section may not limit in any way a person's access to services related to the abortion of a pregnancy.

(b)(i) Coverage for the abortion of a pregnancy may be subject to terms and conditions generally applicable to the health plan's coverage of maternity care or services, including applicable cost sharing.

(ii) A health plan is not required to cover abortions that would be unlawful under RCW 9.02.120.

(3) Nothing in this section may be interpreted to limit in any way an individual's constitutionally or statutorily protected right to voluntarily terminate a pregnancy.

(4) This section does not, pursuant to 42 U.S.C. Sec. 18054(a)(6), apply to a multistate plan that does not provide coverage for the abortion of a pregnancy.

(5) If the application of this section to a health plan results in noncompliance with federal requirements that are a prescribed condition to the allocation of federal funds to the state, this section is inapplicable to the plan to the minimum extent necessary for the state to be in compliance. The inapplicability of this section to a specific health plan under this subsection does not affect the operation of this section in other circumstances.

NEW SECTION. **Sec. 4.** The governor's interagency coordinating council on health disparities shall conduct a literature review on disparities in access to reproductive health care based on socioeconomic status, race, sexual orientation, gender identity, ethnicity, geography, and other factors. By January 1, 2019, the council shall report the results of the literature review and make recommendations on reducing or removing disparities in access to reproductive health care to the governor and the relevant standing committees of the legislature.

Passed by the Senate March 3, 2018.
Passed by the House February 28, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 120

[Substitute Senate Bill 6313]

DISCRIMINATION COMPLAINTS AND CAUSES OF ACTION--EMPLOYMENT AGREEMENTS

AN ACT Relating to preserving an employee's right to publicly file a complaint or cause of action for discrimination in employment contracts and agreements; and adding a new section to chapter 49.44 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44 RCW to read as follows:

A provision of an employment contract or agreement is against public policy and is void and unenforceable if it requires an employee to waive the employee's right to publicly pursue a cause of action arising under chapter 49.60 RCW or federal antidiscrimination laws or to publicly file a complaint with the appropriate state or federal agencies, or if it requires an employee to resolve claims of discrimination in a dispute resolution process that is confidential.

Passed by the Senate March 6, 2018.
Passed by the House February 28, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 121

[Senate Bill 6471]

WORKPLACE SEXUAL HARASSMENT--MODEL POLICIES

AN ACT Relating to developing model policies to create workplaces that are safe from sexual harassment; adding a new section to chapter 49.60 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that the equal employment opportunity commission estimates that twenty-five to eighty-five percent of working women have experienced sexual harassment on the job. Organizational tolerance of sexual harassment has a detrimental influence in workplaces by creating a hostile environment for women, reducing productivity, and increasing legal liability. It is the legislature's intent to encourage employers to adopt and actively implement policies to ensure their workplaces are safe for women workers to report concerns about sexual harassment without fear of retaliation, loss of status, or loss of promotional opportunities.

NEW SECTION. **Sec. 2.** A new section is added to chapter 49.60 RCW to read as follows:

(1) The commission must convene a stakeholder work group to develop model policies and best practices for employers and employees to keep workplaces safe from sexual harassment.

(2) To the extent practicable, the following groups should be represented in the work group:

(a) Representatives from the business community;

(b) Human resource professionals;

(c) Representatives from groups advocating for survivors of sexual harassment;

(d) Representatives of labor organizations;

(e) Representatives of farmworkers or groups advocating for farmworkers;

(f) Representatives from agricultural industries; and

(g) Subject matter experts as deemed necessary by the commission.

(3) In developing best practices, the work group may consider:

(a) How workplace leaders can signal commitment to stopping sexual harassment;

(b) How to create and protect anonymous reporting channels to allow employees to raise concerns about workplace misconduct and to share ideas with leadership without worrying about being identified;

(c) How to ensure human resource departments are accountable for enforcing sexual harassment policies, aiding victims of sexual harassment, and encouraging victims to speak up;

(d) How to protect against retaliation for complainants and observers;

(e) Providing the opportunity for employees to establish affinity groups as a mechanism for sharing concerns about discrimination and harassment and to provide mentoring opportunities for employees;

(f) The use of exit surveys to identify the reason employees leave the workplace and to enhance working conditions to promote retention and an inclusive environment;

(g) The use of employee engagement surveys that contain questions regarding sexual harassment prevention;

(h) Using new employee orientations to emphasize inclusion and sexual harassment prevention;

(i) Evaluating executives, managers, and supervisors on their specific efforts to support an inclusive workplace and prevent sexual harassment;

(j) Requiring training for all employees in a classroom environment; and

(k) How to create an internal communication plan for communicating a commitment to inclusion and sexual harassment prevention.

(4)(a) By January 1, 2019, the commission must adopt model policies and best practices developed by the work group for employers and employees to keep workplaces safe from sexual harassment and post the model policies and best practices prominently on its web site for the public to access.

(b) Within thirty days of the commission adopting model policies and best practices, the department of labor and industries must post the model policies and best practices prominently on its web site for the public to access.

Passed by the Senate March 6, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 122

[Engrossed Substitute Senate Bill 5084]

BREAST HEALTH INFORMATION--MAMMOGRAPHY

AN ACT Relating to providing women with timely information regarding their breast health; adding a new section to chapter 70.54 RCW; providing an effective date; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 70.54 RCW to read as follows:

(1) All health care facilities shall include in the summary of the mammography report, required by federal law to be provided to a patient, information that identifies the patient's individual breast density classification based on the breast imaging reporting and data system established by the American College of Radiology. If a physician at, employed by, or under contract with, the health care facility determines that a patient has heterogeneously or extremely dense breasts, the summary of the mammography report must include the following notice:

"Your mammogram indicates that you may have dense breast tissue. Roughly half of all women have dense breast tissue which is normal. Dense breast tissue may make it more difficult to evaluate your mammogram. We are sharing this information with you and your health care provider to help raise your awareness of breast density. We encourage you to talk with your health care provider about this and other breast cancer risk factors. Together, you can decide which screening options are right for you."

(2) Patients who receive diagnostic or screening mammograms may be directed to informative material about breast density. This informative material may include the American College of Radiology's most current brochure on the subject of breast density.

(3) This section does not create a duty of care for any health care facility or any health care providers or other legal obligation beyond the duty to provide notice as set forth in this section.

(4) This section does not require a notice that is inconsistent with the provisions of the federal mammography quality standards act (42 U.S.C. Sec. 263b) or any regulations adopted under that act.

(5) For the purposes of this section:

(a) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where mammography examinations are performed.

(b) "Physician" means a person licensed to practice medicine under chapter 18.57 or 18.71 RCW.

(6) This section expires January 1, 2025.

NEW SECTION. **Sec. 2.** Section 1 of this act takes effect January 1, 2019.

Passed by the Senate March 5, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 123

[House Bill 1058]

COURT-ORDERED RESTITUTION--TOTAL CONFINEMENT

AN ACT Relating to court-ordered restitution; and amending RCW 9.94A.750 and 9.94A.753.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 9.94A.750 and 2003 c 379 s 15 are each amended to read as follows:

This section applies to offenses committed on or before July 1, 1985.

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within one hundred eighty days. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court shall not issue any order that postpones the commencement of restitution payments until after the offender is released from total confinement. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. An offender's inability to make restitution payments while in total confinement may not be the basis for a violation of his or her sentence unless his or her inability to make payments resulted from a refusal to accept an employment offer to a class I or class II job or a termination for cause from such a job.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the offense.

(4) For the purposes of this section, the offender shall remain under the court's jurisdiction for a term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years for payment of restitution. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during either the initial ten-year period or subsequent ten-year period if the criminal judgment is extended, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a proceeding in superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for

support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order but not longer than a maximum term of twenty-five years following the offender's release from total confinement or twenty-five years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(8) This section does not limit civil remedies or defenses available to the victim or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

Sec. 2. RCW 9.94A.753 and 2016 c 86 s 5 are each amended to read as follows:

This section applies to offenses committed after July 1, 1985.

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within one hundred eighty days except as provided in subsection (7) of this section. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. <u>The court shall not issue any order that postpones the commencement of restitution payments until after the offender is released from total confinement.</u> The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. <u>An offender's inability to make restitution payments while in total confinement may not be the basis for a violation of his or her sentence unless his or her inability to make payments resulted from a refusal to accept an employment offer to a class I or class II job or a termination for cause from such a job.</u>

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments

based on the report from the community corrections officer of the change in circumstances.

(3) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime.

(4) For the purposes of this section, for an offense committed prior to July 1, 2000, the offender shall remain under the court's jurisdiction for a term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years for payment of restitution. For an offense committed on or after July 1, 2000, the offender shall remain under the court's jurisdiction until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The portion of the sentence concerning restitution may be modified as to amount, terms, and conditions during any period of time the offender remains under the court's jurisdiction, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting

pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a civil superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order for the period provided in RCW 4.16.020 or a maximum term of twenty-five years following the offender's release from total confinement or twenty-five years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) Regardless of the provisions of subsections (1) through (6) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the judgment and sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(8) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(9) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

(10) If a person has caused a victim to lose money or property through the filing of a vehicle report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale, upon conviction or when the offender pleads guilty and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim, the court may order the defendant to pay an amount, fixed by the court, not to

exceed double the amount of the defendant's gain or victim's loss from the filing of the vehicle report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale. Such an amount may be used to provide restitution to the victim at the order of the court. It is the duty of the prosecuting attorney to investigate the alternative of restitution, and to recommend it to the court, when the prosecuting attorney believes that restitution is appropriate and feasible. If the court orders restitution, the court must make a finding as to the amount of the victim's loss due to the filing of the report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale, and if the record does not contain sufficient evidence to support such finding, the court may conduct a hearing upon the issue. For purposes of this section, "loss" refers to the amount of money or the value of property or services lost.

Passed by the House January 24, 2018.
Passed by the Senate March 2, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 124

[Engrossed Senate Bill 5917]

INTERNATIONAL BACCALAUREATE AND CAMBRIDGE INTERNATIONAL EXAMS--SYSTEMWIDE COLLEGE CREDIT POLICY

AN ACT Relating to a systemwide credit policy regarding international baccalaureate and Cambridge international exams; adding a new section to chapter 28B.10 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that international baccalaureate and Cambridge international coursework prepares students for postsecondary success and provides opportunities for them to earn college credit or secure placement in advanced courses.

Therefore, the legislature intends to establish a policy for granting as many undergraduate course credits as possible to students who have successfully completed international baccalaureate and Cambridge international exams and clearly communicate credit awarding policies and course equivalencies to students. This policy is intended to be similar to the credit policy adopted during the 2017 legislative session for AP examinations. The goal of the policy is to award course credit in all appropriate instances and maximize the number of college students given college credit for international baccalaureate exam scores and Cambridge international exam grades.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) The institutions of higher education must establish coordinated evidence-based policies for granting as many undergraduate college credits as possible and appropriate for general education requirements or the equivalent to students who have successfully completed international baccalaureate (IB) or Cambridge international courses and demonstrated mastery of college-level curriculum, as shown by the students' examination scores or grades for those

programs. The institutions shall take into account the evidence for student success and the relevance of the IB or Cambridge international curriculum and test scores or grades in consideration of granting college credit or waiving course requirements, with appropriate consideration of the institutions' degree distribution requirements or curriculum for specific degree programs. Policies may consider, for example:

(a) Whether a four on a standard-level or higher-level IB examination and whether a grade of E on a Cambridge international examination indicates that the student has mastered college-level coursework for which undergraduate college credits may be granted; and

(b) What test score or grade for specific subjects indicates if graduation distribution requirements or prerequisite courses may be waived, while preserving the integrity of the institutions' faculty process for determining degree and major curriculum requirements.

(2) The credit policies regarding IB and Cambridge international examinations must be posted on campus web sites effective for the fall 2018 academic term. The institutions of higher education must conduct biennial reviews of their IB and Cambridge international credit policies and report noncompliance to the appropriate committees of the legislature by November 1st of each year, beginning November 1, 2020.

Passed by the Senate March 6, 2018.
Passed by the House March 2, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 125

[Substitute Senate Bill 5064]
STUDENT FREEDOM OF EXPRESSION

AN ACT Relating to the freedom of expression rights of students at public schools and institutions of higher education; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28B.10 RCW; creating a new section; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that freedom of expression through school-sponsored media is a fundamental principle in our democratic society granted by the First Amendment to the United States Constitution and by Article I, section 5 of the state Constitution. It is the intent of the legislature to protect freedom of expression through school-sponsored media for both public school students and students at public institutions of higher education in this state in order to encourage students to become educated, informed, and responsible members of society.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) Student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media subject to the limitations of subsection (2) of this section. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists. A student media adviser may

not be terminated, transferred, removed, or otherwise disciplined for complying with this section.

(2) School officials may only prohibit student expression that:

(a) Is libelous or slanderous;

(b) Is an unwarranted invasion of privacy;

(c) Violates federal or state laws, rules, or regulations;

(d) Incites students to violate federal or state laws, rules, or regulations;

(e) Violates school district policy or procedure related to harassment, intimidation, or bullying pursuant to RCW 28A.300.285 or the prohibition on discrimination pursuant to RCW 28A.642.010;

(f) Inciting of students so as to create a clear and present danger of:

(i) The commission of unlawful acts on school premises;

(ii) The violation of lawful school district policy or procedure; or

(iii) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension; or

(g) Is in violation of the federal communications act or applicable federal communication commission rules or regulations.

(3) Political expression by students in school-sponsored media shall not be deemed the use of public funds for political purposes, for purposes of the prohibitions of RCW 42.17A.550.

(4) Any student, individually or through his or her parent or guardian, enrolled in a public high school may file an appeal of any alleged violation of subsection (1) of this section pursuant to chapter 28A.645 RCW.

(5) Expression made by students in school-sponsored media is not necessarily the expression of school policy. Neither a school official nor the governing board of the school or school district may be held responsible in any civil or criminal action for any expression made or published by students in school-sponsored media.

(6) Each school district that includes a high school shall adopt a written student freedom of expression policy in accordance with this section. The policy may include reasonable provisions for the time, place, and manner of student expression.

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

(a) "School-sponsored media" means any matter that is prepared, substantially written, published, or broadcast by student journalists, that is distributed or generally made available, either free of charge or for a fee, to members of the student body, and that is prepared under the direction of a student media adviser. "School-sponsored media" does not include media that is intended for distribution or transmission solely in the classrooms in which they are produced.

(b) "Student journalist" means a student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(c) "Student media adviser" means a person who is employed, appointed, or designated by the school to supervise, or provide instruction relating to, school-sponsored media.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Students at institutions of higher education have the right to exercise freedom of speech and of the press in school-sponsored media, whether or not the media are supported financially by the school or by use of school facilities, or are produced in conjunction with a class. All school-sponsored media produced primarily by students at an institution of higher education are public forums for expression by the student journalists and student editors at the particular institution. Student media, whether school-sponsored or nonschool sponsored, are not subject to mandatory prior review by school officials.

(2) Student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists. A student media adviser may not be terminated, transferred, removed, or otherwise disciplined for refusing to suppress the protected free expression rights of student journalists.

(3) Nothing in this section may be interpreted to authorize expression by students that:

(a) Is libelous or slanderous;

(b) Constitutes an unwarranted invasion of privacy;

(c) Violates the federal communications act or any rule or regulation of the federal communications commission; or

(d) So incites students as to create a clear and present danger of:

(i) The commission of unlawful acts on school premises;

(ii) The violation of lawful school regulations, policies, or procedures; or

(iii) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

(4) Any student enrolled in an institution of higher education may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by a court for a violation of subsection (1) of this section by the institution of higher education. Upon a motion, a court may award reasonable attorneys' fees to a prevailing plaintiff in a civil action brought under this section.

(5) Expression made by students in school-sponsored media is not the expression of school policy. Neither a school official nor the governing board of any institution of higher education may be held responsible in any civil or criminal action for any expression made or published by students in school-sponsored media unless school officials or the governing board have interfered with or altered the content of the student expression.

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

(a) "School-sponsored media" means any matter that is prepared, substantially written, published, or broadcast by student journalists, that is distributed or generally made available, either free of charge or for a fee, to members of the student body, and that is prepared under the direction of a student media adviser. "School-sponsored media" does not include media that is intended for distribution or transmission solely in the classrooms in which they are produced.

(b) "Student journalist" means a student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(c) "Student media adviser" means a person who is employed, appointed, or designated by the school to supervise, or provide instruction relating to, school-sponsored media.

NEW SECTION. **Sec. 4.** 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.

Passed by the Senate March 5, 2018.
Passed by the House March 2, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 126

[Engrossed Third Substitute House Bill 1482]

LEGISLATIVE-EXECUTIVE WORKFIRST POVERTY REDUCTION OVERSIGHT TASK FORCE

AN ACT Relating to establishing the legislative-executive WorkFirst poverty reduction oversight task force; amending RCW 74.08A.260 and 74.08A.341; adding new sections to chapter 74.08A RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that intergenerational poverty, which passes from parents to children, should be distinguished from situational poverty, which occurs after an event like losing employment. Intergenerational poverty can affect the lives of many future children and generations without the development of specific strategies to stop this cycle.

The legislature finds that it is necessary to bring together state agencies and other stakeholders for the purposes of policy and program development to address intergenerational poverty and to develop specific strategies to provide families the support they need to overcome a history of poverty.

The legislature finds that the legislative-executive WorkFirst oversight task force has recommended that its scope be modified to include poverty reduction in order to provide a renewed focus on the underlying causes of intergenerational poverty in Washington. Therefore, the legislature intends to create a legislative-executive WorkFirst poverty reduction oversight task force and an intergenerational poverty advisory committee in order to lay the groundwork in Washington for advancing intergenerational prosperity and reducing poverty.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.08A RCW to read as follows:

The definitions in this section apply throughout this act unless the context clearly requires otherwise.

(1) "Advisory committee" means the intergenerational poverty advisory committee.

(2) "Cycle of poverty" or "poverty cycle" means the set of factors or events by which the long-term poverty of a person is likely to continue and be experienced by each child of the person when the child becomes an adult unless there is outside intervention.

(3) "Department" means the department of social and health services.

(4) "Intergenerational poverty" means poverty in which two or more successive generations of a family continue in the cycle of poverty and governmental dependence, and is not situational poverty.

(5) "Partner agency" means an executive branch agency represented by a voting or nonvoting member of the task force.

(6) "Secretary" means the secretary of the department of social and health services.

(7) "Task force" means the legislative-executive WorkFirst poverty reduction oversight task force.

NEW SECTION. **Sec. 3.** A new section is added to chapter 74.08A RCW to read as follows:

(1)(a) A legislative-executive WorkFirst poverty reduction oversight task force is established, with voting members as provided in this subsection. Task force membership shall include diverse, statewide representation and its membership shall reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(i) The president of the senate shall appoint two members from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.

(iii) The governor shall appoint eight members representing the following agencies: The department of social and health services; the department of children, youth, and families; the department of commerce; the employment security department; the office of the superintendent of public instruction; the department of health; the department of corrections; and the state board for community and technical colleges.

(b) The task force shall choose its cochairs, one from among the legislative members and one from among the executive branch members. The secretary of the department of social and health services shall convene the initial meeting of the task force.

(2) The governor shall appoint five nonvoting members to the task force representing the:

(a) Commission on African-American affairs;

(b) State commission on Hispanic affairs;

(c) State commission on Asian Pacific American affairs;

(d) Governor's office of Indian affairs; and

(e) Office of financial management.

(3) The cochairs of the intergenerational poverty advisory committee created in section 4 of this act shall serve as nonvoting members of the task force.

(4) The task force shall:

(a) Oversee the partner agencies' operation of the WorkFirst program and temporary assistance for needy families program to ensure that the programs are achieving desired outcomes for their clients;

(b) Determine evidence-based outcome measures for the WorkFirst program, including measures related to equitably serving the needs of historically underrepresented populations, such as English language learners, immigrants, refugees, and other diverse communities;

(c) Develop accountability measures for WorkFirst recipients and the state agencies responsible for their progress toward self-sufficiency;

(d) Collaborate with the advisory committee created in section 4 of this act to develop and monitor strategies to prevent and address adverse childhood experiences and reduce intergenerational poverty;

(e) Seek input on best practices for poverty reduction from service providers, community-based organizations, legislators, state agencies, stakeholders, the business community, and subject matter experts;

(f) Collaborate with partner agencies and the advisory committee to analyze available data and information regarding intergenerational poverty in the state, with a primary focus on data and information regarding children who are at risk of continuing the cycle of poverty and welfare dependency unless outside intervention occurs; and

(g) Recommend policy actions to the governor and the legislature to effectively reduce intergenerational poverty and promote and encourage self-sufficiency.

(5)(a) The task force shall direct the department of social and health services to develop a five-year plan to reduce intergenerational poverty and promote self-sufficiency, subject to oversight and approval by the task force. Upon approval by the task force, the department must submit the plan to the governor and the appropriate committees of the legislature by December 1, 2019.

(b) The task force shall review the five-year plan by December 1, 2024, and shall direct the department to update the plan as determined necessary by the task force.

(6) The partner agencies must provide the task force with regular reports on:

(a) The partner agencies' progress toward meeting the outcome and performance measures established under this section;

(b) Caseload trends and program expenditures, and the impact of those trends and expenditures on client services, including services to historically underrepresented populations; and

(c) The characteristics of families who have been unsuccessful on the temporary assistance for needy families program and have lost their benefits either through sanction or the sixty-month time limit.

(7) Staff support for the task force, including administration of task force meetings, must be provided by the state agency members of the task force. Additional staff support for legislative members of the task force must be provided by senate committee services and the house of representatives office of program research.

(8) During its tenure, the state agency members of the task force shall respond in a timely manner to data requests from the cochairs.

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

NEW SECTION. **Sec. 4.** A new section is added to chapter 74.08A RCW to read as follows:

(1) To assist the task force established in section 3 of this act, there is created the intergenerational poverty advisory committee.

(2) The advisory committee must include diverse, statewide representation from public, nonprofit, and for-profit entities. The committee membership must reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(3) Members of the advisory committee are appointed by the secretary, with the approval of the task force.

(4) The advisory committee must include representatives from:

(a) Advocacy groups that focus on childhood poverty issues;

(b) Advocacy groups that focus on education and early childhood education issues;

(c) Academic experts in childhood poverty, education, or early childhood education issues;

(d) Faith-based organizations that address childhood poverty, education, or early childhood education issues;

(e) Tribal governments;

(f) Families impacted by poverty;

(g) Local government representatives that address childhood poverty or education issues;

(h) The business community;

(i) A subject matter expert in infant mental health;

(j) The department of children, youth, and families; and

(k) The department.

(5) Each member of the advisory committee is appointed for a four-year term unless a member is appointed to complete an unexpired term. The secretary may adjust the length of term at the time of appointment or reappointment so that approximately one-half of the advisory committee is appointed every two years.

(6) The secretary may remove an advisory committee member:

(a) If the member is unable or unwilling to carry out the member's assigned responsibilities; or

(b) For good cause.

(7) If a vacancy occurs in the advisory committee membership for any reason, a replacement may be appointed for the unexpired term.

(8) The advisory committee shall choose cochairs from among its membership. The secretary shall convene the initial meeting of the advisory committee.

(9) A majority of the advisory committee constitutes a quorum of the advisory committee at any meeting and the action of the majority of members present is the action of the advisory committee.

(10) The advisory committee shall:

(a) Meet quarterly at the request of the task force cochairs or the cochairs of the advisory committee;

(b) Make recommendations to the task force on how the task force and the state can effectively address the needs of children affected by intergenerational poverty and achieve the purposes and duties of the task force as described in section 3 of this act;

(c) Ensure that the advisory committee's recommendations to the task force are supported by verifiable data; and

(d) Gather input from diverse communities about the impact of intergenerational poverty on outcomes such as education, health care, employment, involvement in the child welfare system, and other related areas.

(11) The department shall provide staff support to the advisory committee and shall endeavor to accommodate the participation needs of its members. Accommodations may include considering the location and time of committee meetings, making options available for remote participation by members, and convening meetings of the committee in locations with proximity to available child care whenever feasible.

(12) Members of the advisory committee may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 5. RCW 74.08A.260 and 2017 3rd sp.s. c 21 s 1 are each amended to read as follows:

(1) Each recipient shall be assessed after determination of program eligibility and before referral to job search. Assessments shall be based upon factors that are critical to obtaining employment, including but not limited to education, availability of child care, history of family violence, history of substance abuse, and other factors that affect the ability to obtain employment. Assessments may be performed by the department or by a contracted entity. The assessment shall be based on a uniform, consistent, transferable format that will be accepted by all agencies and organizations serving the recipient.

(2) Based on the assessment, an individual responsibility plan shall be prepared that: (a) Sets forth an employment goal and a plan for maximizing the recipient's success at meeting the employment goal; (b) considers WorkFirst educational and training programs from which the recipient could benefit; (c) contains the obligation of the recipient to participate in the program by complying with the plan; (d) moves the recipient into full-time WorkFirst activities as quickly as possible; and (e) describes the services available to the recipient either during or after WorkFirst to enable the recipient to obtain and keep employment and to advance in the workplace and increase the recipient's wage earning potential over time.

(3) Recipients who are not engaged in work and work activities, and do not qualify for a good cause exemption under RCW 74.08A.270, shall engage in self-directed service as provided in RCW 74.08A.330.

(4) If a recipient refuses to engage in work and work activities required by the department, the family's grant shall be reduced by the recipient's share, and may, if the department determines it appropriate, be terminated.

(5) The department may waive the penalties required under subsection (4) of this section, subject to a finding that the recipient refused to engage in work for good cause provided in RCW 74.08A.270.

(6) In consultation with the recipient, the department or contractor shall place the recipient into a work activity that is available in the local area where the recipient resides.

(7) Assessments conducted under this section shall include a consideration of the potential benefit to the recipient of engaging in financial literacy activities. The department shall consider the options for financial literacy activities available in the community, including information and resources available through the financial education public-private partnership created under RCW 28A.300.450. The department may authorize up to ten hours of financial literacy activities as a core activity or an optional activity under WorkFirst.

(8)(((~~(a)~~))) Subsections (2) through (6) of this section are suspended for a recipient who is a parent or other relative personally providing care for a child under the age of two years. This suspension applies to both one and two parent families. However, both parents in a two-parent family cannot use the suspension during the same month. Nothing in this subsection shall prevent a recipient from participating in the WorkFirst program on a voluntary basis.

(((~~(b)(i) The period of suspension of work activities under this subsection provides an opportunity for the legislative and executive branches to oversee redesign of the WorkFirst program. To realize this opportunity, both during the period of suspension and following reinstatement of work activity requirements as redesign is being implemented, a legislative-executive WorkFirst oversight task force is established, with members as provided in this subsection (8)(b).~~

~~(ii) The president of the senate shall appoint two members from each of the two largest caucuses of the senate.~~

~~(iii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.~~

~~(iv) The governor shall appoint members representing the department of social and health services, the department of early learning, the department of commerce, the employment security department, the office of financial management, and the state board for community and technical colleges.~~

~~(v) The task force shall choose cochairs, one from among the legislative members and one from among the executive branch members. The legislative members shall convene the initial meeting of the task force.~~

~~(c) The task force shall:~~

~~(i) Oversee the partner agencies' implementation of the redesign of the WorkFirst program and operation of the temporary assistance for needy families program to ensure that the programs are achieving desired outcomes for their clients;~~

~~(ii) Determine evidence-based outcome measures for the WorkFirst program, including measures related to equitably serving the needs of historically underrepresented populations, such as English language learners, immigrants, refugees, and other diverse communities;~~

~~(iii) Develop accountability measures for WorkFirst recipients and the state agencies responsible for their progress toward self-sufficiency;~~

~~(iv) Make recommendations to the governor and the legislature regarding:~~

~~(A) Policies to improve the effectiveness of the WorkFirst program over time;~~

~~(B) Early identification of those recipients most likely to experience long stays on the program and strategies to improve their ability to achieve progress toward self-sufficiency; and~~

~~(C) Necessary changes to the program, including taking into account federal changes to the temporary assistance for needy families program.~~

~~(d) The partner agencies must provide the task force with regular reports on:~~

~~(i) The partner agencies' progress toward meeting the outcome and performance measures established under (c) of this subsection;~~

~~(ii) Caseload trends and program expenditures, and the impact of those trends and expenditures on client services, including services to historically underrepresented populations; and~~

~~(iii) The characteristics of families who have been unsuccessful on the program and have lost their benefits either through sanction or the sixty-month time limit.~~

~~(e) Staff support for the task force must be provided by senate committee services, the house of representatives office of program research, and the state agency members of the task force.~~

~~(f) The task force shall meet on a quarterly basis beginning September 2011, or as determined necessary by the task force cochairs.~~

~~(g) During its tenure, the state agency members of the task force shall respond in a timely manner to data requests from the cochairs.~~))

Sec. 6. RCW 74.08A.341 and 2012 c 217 s 1 are each amended to read as follows:

The department of social and health services shall operate the Washington WorkFirst program authorized under RCW 74.08A.210 through 74.08A.330, 43.330.145, ((~~43.215.545~~)) 43.216.710, and 74.25.040, and chapter 74.12 RCW within the following constraints:

(1) The program shall be operated within amounts appropriated by the legislature and consistent with policy established by the legislature to achieve self-sufficiency through work and the following additional outcomes:

(a) Recipients' economic status is improving through wage progression, job retention, and educational advancement;

(b) Recipients' status regarding housing stability, medical and behavioral health, and job readiness is improving;

(c) The well-being of children whose caretaker is receiving benefits on their behalf is improving with respect to child welfare and educational achievement.

(2)(a) The department shall create a budget structure that allows for more transparent tracking of program spending. The budget structure shall outline spending for the following: Temporary assistance for needy family grants, working connections child care, WorkFirst activities and administration of the program.

(b) Each biennium, the department shall establish a biennial spending plan, using the budget structure created in (a) of this subsection, for this program and submit the plan to the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force no later than July 1st of every odd-numbered year, beginning on July 1, 2013. The department shall update the legislative fiscal committees and the task force on the spending plan if modifications are made to the plan previously submitted to the legislature and the task force for that biennium.

(c) The department also shall provide expenditure reports to the fiscal committees of the legislature and the legislative-executive WorkFirst poverty reduction oversight task force beginning September 1, 2012, and on a quarterly basis thereafter. If the department determines, based upon quarterly expenditure reports, that expenditures will exceed funding at the end of the fiscal year, the department shall take those actions necessary to ensure that services provided under this chapter are available only to the extent of and consistent with appropriations in the operating budget and policy established by the legislature following notification provided in (b) of this subsection.

(3) No more than fifteen percent of the temporary assistance for needy families block grant, the federal child care funds, and qualifying state expenditures may be spent for administrative purposes. For purposes of this subsection, "administrative purposes" does not include expenditures for information technology and computerization needed for tracking and monitoring required by P.L. 104-193.

(4) The department shall expend funds appropriated for work activities, as defined in RCW 74.08A.250, or for other services provided to WorkFirst recipients, as authorized under RCW 74.08A.290.

Passed by the House February 13, 2018.
Passed by the Senate March 2, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 127

[Second Substitute House Bill 1896]

CIVICS EDUCATION

AN ACT Relating to the expansion of civics education in public schools; amending RCW 43.79A.040; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.415 RCW; adding new sections to chapter 28A.300 RCW; creating a new section; and repealing RCW 28A.230.093.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that effective civics education teaches students how to be active, informed, and engaged citizens. The legislature recognizes that RCW 28A.150.210 identifies civics as one component of a basic education and that one-half credit in civics is required for high school graduation. The required civics content, however, may be embedded in another social studies course.

Civics requirements are meant to ensure that every student receives a high-quality civics education from kindergarten through twelfth grade. The legislature also recognizes, however, that two factors limit the effectiveness of civics education.

First, when the one-half civics credit is embedded in other courses rather than taught in a stand-alone civics course, the required content is easily diluted or ignored altogether. Pressure to emphasize other areas of the curriculum can relegate civics education to a lesser role.

Second, professional development opportunities for teachers in civics education are rare. In many districts, due to limited budgets and competing

demands for funding, opportunities for teachers to deepen instructional and curricular practices in civics do not exist.

The legislature, therefore, intends to: Require school districts to provide a mandatory stand-alone civics course for all high school students; and support the development of an in-depth and interactive teacher professional development program to improve the ability of teachers throughout the state to provide students with an effective civics education from kindergarten through twelfth grade. This expanded civics education program seeks to ensure that students have basic knowledge about national, state, tribal, and local governments, and that they develop the skills and dispositions needed to become informed and engaged citizens.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.230 RCW to read as follows:

(1)(a) Beginning with or before the 2020-21 school year, each school district that operates a high school must provide a mandatory one-half credit stand-alone course in civics for each high school student. Except as provided by (c) of this subsection, civics content and instruction embedded in other social studies courses do not satisfy the requirements of this subsection.

(b) Credit awarded to students who complete the civics course must be applied to course credit requirements in social studies that are required for high school graduation.

(c) Civics content and instruction required by this section may be embedded in social studies courses that offer students the opportunity to earn both high school and postsecondary credit.

(2) The content of the civics course must include, but is not limited to:

(a) Federal, state, tribal, and local government organization and procedures;

(b) Rights and responsibilities of citizens addressed in the Washington state and United States Constitutions;

(c) Current issues addressed at each level of government;

(d) Electoral issues, including elections, ballot measures, initiatives, and referenda;

(e) The study and completion of the civics component of the federally administered naturalization test required of persons seeking to become naturalized United States citizens; and

(f) The importance in a free society of living the basic values and character traits specified in RCW 28A.150.211.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.415 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, an expanded civics education teacher training program is established within the office of the superintendent of public instruction.

(2) The program must provide for the selection of a team of qualified social studies teachers, and when appropriate, civics education specialists, from across the state who will:

(a) Develop teacher training materials using existing open educational resources (OERs) that include civics information on national, state, tribal, and local government, and the civics component of the federally administered

naturalization test required of persons seeking to become naturalized United States citizens;

(b) Provide teacher training across the state, consistent with provisions in this chapter, and using the tools established by the office of the superintendent of public instruction including the college, career, and civic life (C3) framework and the six proven instructional practices for enhancing civic education; and

(c) Provide professional learning opportunities as described in section 2(3), chapter 77, Laws of 2016, which states that professional learning shall incorporate differentiated, coherent, sustained, and evidence-based strategies that improve educator effectiveness and student achievement, including job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills into their practice.

(3) The program shall assure an increase in the number of:

(a) Teachers with the knowledge and skills to effectively engage students in civics education;

(b) Students who have a basic understanding of how governments work; and

(c) Students from every demographic and socioeconomic group who know their rights and responsibilities within society and are prepared to exercise them.

(4) The office of the superintendent of public instruction may accept gifts and grants to assist with the establishment and implementation of the program established in this section.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.300 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall select two school districts that are diverse in size and in geographic and demographic makeup to serve as demonstration sites for enhanced civics education. These demonstration sites will:

(1) Implement and assess an in-depth civics education program that includes the six proven instructional practices for enhancing civic education in kindergarten through twelfth grade classrooms;

(2) Collaborate with programs and agencies in the local community in order to expand after-school and summer civics education opportunities;

(3) Monitor and report the level of penetration of civics education in school and out-of-school programs;

(4) Ensure that underserved students including rural, low-income, immigrant, and refugee students are prioritized in the implementation of programs;

(5) Develop evaluation standards and a procedure for endorsing civics education curriculum that can be recommended for use in other school districts and out-of-school programs; and

(6) Provide an annual report on the demonstration sites by December 1st each year to the governor and the committees of the legislature with oversight over K-12 education.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) Effective July 1, 2018, responsibility for administering the Washington history day program is transferred from the Washington state

historical society to the office of the superintendent of public instruction. In accordance with this subsection (1)(a), and subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction is responsible for the administration and coordination of the Washington history day program, a program affiliated with the national history day organization, including providing necessary staff support.

(b) Subject to the requirements and limits of (a) of this subsection, the Washington history day program must be operated as a partnership between the office of the superintendent of public instruction, the Washington state historical society, and private parties interested in providing funding and in-kind support for the program. The Washington state historical society must, in coordination with the office of the superintendent of public instruction, promote the program and provide access and support for students who are conducting primary and secondary research of historical Washington state documents and commentary.

(2) The Washington history day account is created in the custody of the state treasurer. In collaboration with private and philanthropic partners, private matching funds will be procured to support Washington history day. All receipts from gifts, grants, or endowments from public or private sources must be deposited into the account. Expenditures from the account may be used only for the Washington history day program. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 6. RCW 43.79A.040 and 2017 3rd sp.s. c 5 s 89 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the

Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 7.** RCW 28A.230.093 (Social studies course credits—Civics coursework) and 2009 c 223 s 3 are each repealed.

Passed by the House March 7, 2018.
Passed by the Senate March 6, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 128

[Substitute House Bill 1953]

INDUSTRIAL SAFETY AND HEALTH ACT--MAXIMUM PENALTIES-OSHA

AN ACT Relating to maximum penalties under the Washington industrial safety and health act; amending RCW 49.17.180; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 49.17.180 and 2010 c 8 s 12015 are each amended to read as follows:

(1) Except as provided in RCW 43.05.090, any employer who willfully or repeatedly violates the requirements of RCW 49.17.060, of any safety or health standard ((~~promulgated~~)) adopted under the authority of this chapter, of any existing rule or regulation governing the conditions of employment ((~~promulgated~~)) adopted by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090 may be assessed a civil penalty not to exceed seventy thousand dollars for each violation. However, if the state is required to have a higher maximum penalty to qualify a state plan under the occupational safety and health administration, then the maximum civil penalty is the higher maximum penalty required under the occupational safety and health administration. A minimum penalty of five thousand dollars shall be assessed for a willful violation; unless set to a specific higher amount by the federal occupational safety and health administration and this state is required to equal the higher penalty amount to qualify a state plan.

(2) Any employer who has received a citation for a serious violation of the requirements of RCW 49.17.060, of any safety or health standard ((~~promulgated~~)) adopted under the authority of this chapter, of any existing rule or regulation governing the conditions of employment ((~~promulgated~~)) adopted by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090 as determined in accordance with subsection (6) of this section, shall be assessed a civil penalty not to exceed seven thousand dollars for each such violation. However, if the state is required to have a higher maximum penalty to qualify a state plan under the occupational safety and health administration, then the maximum civil penalty is the higher maximum penalty required under the occupational safety and health administration.

(3) Any employer who has received a citation for a violation of the requirements of RCW 49.17.060, of any safety or health standard ((~~promulgated~~)) adopted under this chapter, of any existing rule or regulation governing the conditions of employment ((~~promulgated~~)) adopted by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090, where such violation is specifically determined not to be of a serious nature as provided in subsection (6) of this section, may be assessed a civil

penalty not to exceed seven thousand dollars for each such violation, unless such violation is determined to be de minimis or, if the state is required to have a higher maximum penalty to qualify a state plan under the occupational safety and health administration, then the maximum civil penalty is the higher maximum penalty required under the occupational safety and health administration.

(4) Any employer who fails to correct a violation for which a citation has been issued under RCW 49.17.120 or 49.17.130 within the period permitted for its correction, which period shall not begin to run until the date of the final order of the board of industrial insurance appeals in the case of any review proceedings under this chapter initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a civil penalty of not more than seven thousand dollars for each day during which such failure or violation continues. However, if the state is required to have a higher maximum penalty to qualify a state plan under the occupational safety and health administration, then the maximum civil penalty is the higher maximum penalty required under the occupational safety and health administration.

(5) Any employer who violates any of the posting requirements of this chapter, or any of the posting requirements of rules ((~~promulgated~~)) adopted by the department pursuant to this chapter related to employee or employee representative's rights to notice, including but not limited to those employee rights to notice set forth in RCW 49.17.080, 49.17.090, 49.17.120, 49.17.130, 49.17.220(1), and 49.17.240(2), shall be assessed a penalty not to exceed seven thousand dollars for each such violation. However, if the state is required to have a higher maximum penalty to qualify a state plan under the occupational safety and health administration, then the maximum civil penalty is the higher maximum penalty required under the occupational safety and health administration. Any employer who violates any of the posting requirements for the posting of informational, educational, or training materials under the authority of RCW 49.17.050(7), may be assessed a penalty not to exceed seven thousand dollars for each such violation. However, if the state is required to have a higher maximum penalty to qualify a state plan under the occupational safety and health administration, then the maximum civil penalty is the higher maximum penalty required under the occupational safety and health administration.

(6) For the purposes of this section, a serious violation shall be deemed to exist in a workplace if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such workplace, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(7) The director, or his or her authorized representatives, shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the number of affected employees of the employer being charged, the gravity of the violation, the size of the employer's business, the good faith of the employer, and the history of previous violations.

(8) Civil penalties imposed under this chapter shall be paid to the director for deposit in the supplemental pension fund established by RCW 51.44.033.

Civil penalties may be recovered in a civil action in the name of the department brought in the superior court of the county where the violation is alleged to have occurred, or the department may utilize the procedures for collection of civil penalties as set forth in RCW 51.48.120 through 51.48.150.

NEW SECTION. **Sec. 2.** This act takes effect January 1, 2019.

Passed by the House February 13, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 129

[Engrossed Second Substitute House Bill 2009]

GOLD STAR FAMILIES--HIGHER EDUCATION SUPPORT--COURSE MATERIALS

AN ACT Relating to providing higher education support for gold star families; and amending RCW 28B.15.621.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 28B.15.621 and 2017 c 127 s 1 are each amended to read as follows:

(1) The legislature finds that active military and naval veterans, reserve military and naval veterans, and national guard members called to active duty have served their country and have risked their lives to defend the lives of all Americans and the freedoms that define and distinguish our nation. The legislature intends to honor active military and naval veterans, reserve military and naval veterans, and national guard members who have served on active military or naval duty for the public service they have provided to this country.

(2) Subject to the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, may waive all or a portion of tuition and fees for an eligible veteran or national guard member.

(3) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, may waive all or a portion of tuition and fees for a military or naval veteran who is a Washington domiciliary, but who did not serve on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters and who does not qualify as an eligible veteran or national guard member under subsection (8) of this section. However, there shall be no state general fund support for waivers granted under this subsection.

(4) Subject to the conditions in subsection (5) of this section and the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, shall waive all tuition and fees for the following persons:

(a) A child and the spouse or the domestic partner or surviving spouse or surviving domestic partner of an eligible veteran or national guard member who became totally disabled as a result of serving in active federal military or naval service, or who is determined by the federal government to be a prisoner of war or missing in action; and

(b) A child and the surviving spouse or surviving domestic partner of an eligible veteran or national guard member who lost his or her life as a result of serving in active federal military or naval service.

(5) The conditions in this subsection (5) apply to waivers under subsection (4) of this section.

(a) A child must be a Washington domiciliary between the age of seventeen and twenty-six to be eligible for the tuition waiver. A child's marital status does not affect eligibility.

(b)(i) A surviving spouse or surviving domestic partner must be a Washington domiciliary.

(ii) Except as provided in (b)(iii) of this subsection, a surviving spouse or surviving domestic partner has ten years from the date of the death, total disability, or federal determination of prisoner of war or missing in action status of the eligible veteran or national guard member to receive benefits under the waiver. Upon remarriage or registration in a subsequent domestic partnership, the surviving spouse or surviving domestic partner is ineligible for the waiver of all tuition and fees.

(iii) If a death results from total disability, the surviving spouse has ten years from the date of death in which to receive benefits under the waiver.

(c) Each recipient's continued participation is subject to the school's satisfactory progress policy.

(d) Tuition waivers for graduate students are not required for those who qualify under subsection (4) of this section but are encouraged.

(e) Recipients who receive a waiver under subsection (4) of this section may attend full-time or part-time. Total credits earned using the waiver may not exceed two hundred quarter credits, or the equivalent of semester credits.

(f) Subject to amounts appropriated, recipients who receive a waiver under subsection (4) of this section shall also receive a stipend for textbooks and course materials in the amount of five hundred dollars per academic year, to be divided equally among academic terms and prorated for part-time enrollment.

(6) Required waivers of all tuition and fees under subsection (4) of this section shall not affect permissive waivers of tuition and fees under subsection (3) of this section.

(7) Private vocational schools and private higher education institutions are encouraged to provide waivers consistent with the terms in subsections (2) through (5) of this section.

(8) The definitions in this subsection apply throughout this section.

(a) "Child" means a biological child, adopted child, or stepchild.

(b) "Eligible veteran or national guard member" means a Washington domiciliary who was an active or reserve member of the United States military or naval forces, or a national guard member called to active duty, who served in active federal service, under either Title 10 or Title 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters or in support of those serving on foreign soil or in international waters, and if discharged from service, has received an honorable discharge.

(c) "Totally disabled" means a person who has been determined to be one hundred percent disabled by the federal department of veterans affairs.

(d) "Washington domiciliary" means a person whose true, fixed, and permanent house and place of habitation is the state of Washington. "Washington

domiciliary" includes a person who is residing in rental housing or residing in base housing. In ascertaining whether a child or surviving spouse or surviving domestic partner is domiciled in the state of Washington, public institutions of higher education shall, to the fullest extent possible, rely upon the standards provided in RCW 28B.15.013.

(9) As used in subsection (4) of this section, "fees" includes all assessments for costs incurred as a condition to a student's full participation in coursework and related activities at an institution of higher education.

(10) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges shall report to the higher education committees of the legislature by November 15, 2010, and every two years thereafter, regarding the status of implementation of the waivers under subsection (4) of this section. The reports shall include the following data and information:

(a) Total number of waivers;

(b) Total amount of tuition waived;

(c) Total amount of fees waived;

(d) Average amount of tuition and fees waived per recipient;

(e) Recipient demographic data that is disaggregated by distinct ethnic categories within racial subgroups; and

(f) Recipient income level, to the extent possible.

Passed by the House March 7, 2018.

Passed by the Senate March 6, 2018.

Approved by the Governor March 21, 2018.

Filed in Office of Secretary of State March 23, 2018.

CHAPTER 130

[Second Substitute House Bill 2269]

ADAPTIVE AUTOMOTIVE EQUIPMENT--VETERANS AND SERVICE MEMBERS--SALES AND USE TAX EXEMPTION

AN ACT Relating to tax relief for adaptive automotive equipment for veterans and service members with disabilities; amending RCW 82.08.875 and 82.12.875; creating new sections; and providing expiration dates.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) The legislature finds that it is important to recognize the service of active duty military and veterans and to acknowledge the continued sacrifice of those veterans who have been catastrophically injured. The legislature further finds that:

(a) Many disabled veterans often need customized, accessible transportation to be self-sufficient and to maintain a high quality of life;

(b) Individuals with a severe disability are twice as likely to be at or below the national poverty level;

(c) The federal government pays for the cost of add-on automotive adaptive equipment for severely injured veterans; however, it does not cover the cost of sales or use tax owed on this equipment and that this cost is then shifted onto the veterans, who often times cannot afford the tax due to the substantial amount of adaptive equipment required in such customized vehicles; and

(d) This added financial burden has the unintended effect of causing some veterans to acquire their adaptive equipment in neighboring states that do not impose a sales tax, thereby negatively impacting Washington businesses providing mobility enhancing equipment and services to Washington veterans.

(2) It is the legislature's intent to provide specific financial relief for severely injured veterans and to ameliorate a negative consequence of Washington's tax structure by providing a sales and use tax exemption for adaptive equipment required to customize vehicles for disabled veterans.

NEW SECTION. **Sec. 2.** (1) This section is the tax preference performance statement for the tax preferences contained in this act. This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes the tax preferences in this act as ones intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) To measure the effectiveness of this act in achieving the specific public policy objective described in section 1 of this act, the joint legislative audit and review committee must, at minimum, review the following:

(a) The dollar amount of qualifying add-on automotive adaptive equipment purchases, as reported to the department of revenue; and

(b) The number of approved applications for add-on automotive adaptive equipment, as reported by the United States department of veterans affairs.

(4) In addition to the data sources described under this section, the joint legislative audit and review committee may use any other data it deems necessary in performing the evaluation under this section.

(5) The joint legislative audit and review committee must review the tax preferences provided in this act as part of its normal review process of tax preferences.

Sec. 3. RCW 82.08.875 and 2013 c 211 s 2 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to sales to eligible purchasers of prescribed add-on automotive adaptive equipment, including charges incurred for labor and services rendered in respect to the installation and repairing of such equipment. The exemption provided in this section only applies if the eligible purchaser is reimbursed in whole or part for the purchase by the United States department of veterans affairs or other federal agency, and the reimbursement is paid directly by that federal agency to the seller.

(2) Sellers making tax-exempt sales under this section must:

(a) Obtain an exemption certificate from the eligible purchaser in a form and manner prescribed by the department. The seller must retain a copy of the exemption certificate for the seller's files. In lieu of an exemption certificate, a seller may capture the relevant data elements as allowed under the streamlined sales and use tax agreement;

(b) File their tax return with the department electronically; and

(c) Report their total gross sales on their return and deduct the exempt sales under subsection (1) of this section from their reported gross sales.

(3) For purposes of this section, the following definitions apply unless the context clearly requires otherwise:

(a) "Add-on automotive adaptive equipment" means equipment installed in, and modifications made to, a motor vehicle that are necessary to assist physically challenged persons to enter, exit, or safely operate a motor vehicle. The term includes but is not limited to wheelchair lifts, wheelchair restraints, ramps, under vehicle lifts, power door openers, power seats, lowered floors, raised roofs, raised doors, hand controls, left foot gas pedals, chest and shoulder harnesses, parking brake extensions, dual battery systems, steering devices, reduced and zero effort steering and braking, voice-activated controls, and digital driving systems. The term does not include motor vehicles and equipment installed in a motor vehicle by the manufacturer of the motor vehicle.

(b) "Eligible purchaser" means a veteran, or member of the armed forces serving on active duty, who is disabled, regardless of whether the disability is service connected as that term is defined by federal statute 38 U.S.C. Sec. 101, as amended, as of ((~~August~~)) January 1, ((~~2013~~)) 2018.

(c) "Prescribed add-on automotive adaptive equipment" means add-on automotive adaptive equipment prescribed by a physician.

(4) This section expires July 1, ((~~2018~~)) 2028.

Sec. 4. RCW 82.12.875 and 2013 c 211 s 3 are each amended to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of prescribed add-on automotive adaptive equipment or to labor and services rendered in respect to the installation and repairing of such equipment. The exemption under this section only applies if the sale of the prescribed add-on automotive adaptive equipment or labor and services was exempt from sales tax under RCW 82.08.875 or would have been exempt from sales tax under RCW 82.08.875 if the equipment or labor and services had been purchased in this state.

(2) For purposes of this section, "prescribed add-on automotive adaptive equipment" has the same meaning as provided in RCW 82.08.875.

(3) This section expires July 1, ((~~2018~~)) 2028.

Passed by the House March 6, 2018.
Passed by the Senate March 8, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 131

[House Bill 2271]

SEXUALLY VIOLENT PREDATORS--RELEASE TRIAL

AN ACT Relating to the processes for reviewing sexually violent predators committed under chapter 71.09 RCW; amending RCW 71.09.090; creating new sections; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) The legislature finds that the decision in *In re Det. of Marcum*, 189 Wn.2d 1 (2017) conflicts with the legislature's intent in RCW 71.09.090. The legislature's intent has always been that there are two independent issues at a postcommitment show cause hearing: Whether the

individual continues to meet statutory criteria; and if so, whether conditional release to a less restrictive alternative placement is appropriate. Lack of proof of one issue should not affect the finding on the other issue. The supreme court's holding is not only a mistaken interpretation, but it will also lead to absurd results, where sexually violent predators could petition and receive a trial for unconditional release when they clearly do not qualify for it under chapter 71.09 RCW. The outcome places an unnecessary burden on the courts and risks releasing persons who are still sexually violent predators into the community.

(2) The legislature finds that the purpose of a show cause hearing under RCW 71.09.090 is to provide the court with an opportunity to determine whether probable cause exists to warrant a hearing on whether the person's condition has so changed as it relates either to the person's status as a sexually violent predator or to whether conditional release to a less restrictive alternative would be appropriate. If the court finds probable cause as to one or both of the issues, the court should set a hearing. However, as the dissent in *Marcum* correctly asserts, the statute also specifies that the court should not find probable cause if the state presents prima facie evidence to meet its burdens and the committed person does not meet his or her respective burdens. The legislature further finds that this safeguard was built into the statutory framework to prevent the outcome in *Marcum.*

(3) The intent of the statute is evident when evaluated in its entirety. The legislature intends that if the state produces prima facie evidence proving that a committed person is still a sexually violent predator, then the first prong of the state's burden is met, and an unconditional release trial may not be ordered unless the committed person produces evidence satisfying: RCW 71.09.090(4)(a); and RCW 71.09.090(4)(b) (i) or (ii). Further, the legislature intends that if the state produces prima facie evidence that a less restrictive alternative is not appropriate for the committed person, then the second prong of the state's burden is met, and a conditional release trial may not be ordered unless the committed person:

(a) Produces evidence satisfying: RCW 71.09.090(4)(a); and RCW 71.09.090(4)(b) (i) or (ii); and

(b) Presents the court with a proposed less restrictive alternative placement meeting the conditions under RCW 71.09.092.

(4) The legislature finds that the state's interest in avoiding costly and unnecessary trials is substantial. Therefore, the legislature intends to overturn the *Marcum* decision in favor of the original intent of the statute. The purpose of this act is curative and remedial, and it applies retroactively and prospectively to all petitions filed under chapter 71.09 RCW, regardless of when they were filed.

Sec. 2. RCW 71.09.090 and 2012 c 257 s 7 are each amended to read as follows:

(1) If the secretary determines that the person's condition has so changed that either: (a) The person no longer meets the definition of a sexually violent predator; or (b) conditional release to a less restrictive alternative is in the best interest of the person and conditions can be imposed that adequately protect the community, the secretary shall authorize the person to petition the court for conditional release to a less restrictive alternative or unconditional discharge. The petition shall be filed with the court and served upon the prosecuting agency responsible for the initial commitment. The court, upon receipt of the petition for

conditional release to a less restrictive alternative or unconditional discharge, shall within forty-five days order a hearing.

(2)(a) Nothing contained in this chapter shall prohibit the person from otherwise petitioning the court for conditional release to a less restrictive alternative or unconditional discharge without the secretary's approval. The secretary shall provide the committed person with an annual written notice of the person's right to petition the court for conditional release to a less restrictive alternative or unconditional discharge over the secretary's objection. The notice shall contain a waiver of rights. The secretary shall file the notice and waiver form and the annual report with the court. If the person does not affirmatively waive the right to petition, the court shall set a show cause hearing to determine whether probable cause exists to warrant a hearing on whether the person's condition has so changed that: (i) He or she no longer meets the definition of a sexually violent predator; or (ii) conditional release to a proposed less restrictive alternative would be in the best interest of the person and conditions can be imposed that would adequately protect the community.

(b)(i) The committed person shall have a right to have an attorney represent him or her at the show cause hearing, which may be conducted solely on the basis of affidavits or declarations, but the person is not entitled to be present at the show cause hearing. At the show cause hearing, the prosecuting agency shall present prima facie evidence establishing: (A) That the committed person continues to meet the definition of a sexually violent predator; and (B) that a less restrictive alternative is not in the best interest of the person and conditions cannot be imposed that adequately protect the community.

(ii)(A) If the state produces prima facie evidence that the committed person continues to be a sexually violent predator, then the state's burden under (b)(i)(A) of this subsection is met and an unconditional release trial may not be ordered unless the committed person produces evidence satisfying: Subsection (4)(a) of this section; and subsection (4)(b) (i) or (ii) of this section.

(B) If the state produces prima facie evidence that a less restrictive alternative is not appropriate for the committed person, then the state's burden under (b)(i)(B) of this subsection is met, and a conditional release trial may not be ordered unless the committed person:

(I) Produces evidence satisfying: Subsection (4)(a) of this section; and subsection (4)(b) (i) or (ii) of this section; and

(II) Presents the court with a specific placement satisfying the requirements of RCW 71.09.092.

(iii) In making ((~~this~~)) the showing required under (b)(i) of this subsection, the state may rely exclusively upon the annual report prepared pursuant to RCW 71.09.070. The committed person may present responsive affidavits or declarations to which the state may reply.

(c) If the court at the show cause hearing determines that either: (i) The state has failed to present prima facie evidence that the committed person continues to meet the definition of a sexually violent predator and that no proposed less restrictive alternative is in the best interest of the person and conditions cannot be imposed that would adequately protect the community; or (ii) probable cause exists to believe that the person's condition has so changed that: (A) The person no longer meets the definition of a sexually violent predator; or (B) release to a proposed less restrictive alternative would be in the best interest of the person

and conditions can be imposed that would adequately protect the community, then the court shall set a hearing on either or both issues.

(d) If the court has not previously considered the issue of release to a less restrictive alternative, either through a trial on the merits or through the procedures set forth in RCW 71.09.094(1), the court shall consider whether release to a less restrictive alternative would be in the best interests of the person and conditions can be imposed that would adequately protect the community, without considering whether the person's condition has changed. The court may not find probable cause for a trial addressing less restrictive alternatives unless a proposed less restrictive alternative placement meeting the conditions of RCW 71.09.092 is presented to the court at the show cause hearing.

(3)(a) At the hearing resulting from subsection (1) or (2) of this section, the committed person shall be entitled to be present and to the benefit of all constitutional protections that were afforded to the person at the initial commitment proceeding. The prosecuting agency shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by experts chosen by the state. The prosecuting agency shall have a right to a current evaluation of the person by experts chosen by the state. The judge may require the person to complete any or all of the following procedures or tests if requested by the evaluator: (i) A clinical interview; (ii) psychological testing; (iii) plethysmograph testing; and (iv) polygraph testing. The judge may order the person to complete any other procedures and tests relevant to the evaluation. The state is responsible for the costs of the evaluation. The committed person shall also have the right to a jury trial and the right to have experts evaluate him or her on his or her behalf and the court shall appoint an expert if the person is indigent and requests an appointment.

(b) Whenever any indigent person is subjected to an evaluation under (a) of this subsection, the office of public defense is responsible for the cost of one expert or professional person conducting an evaluation on the person's behalf. When the person wishes to be evaluated by a qualified expert or professional person of his or her own choice, such expert or professional person must be permitted to have reasonable access to the person for the purpose of such evaluation, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall, upon the person's request, assist the person in obtaining an expert or professional person to perform an evaluation or participate in the hearing on the person's behalf. Nothing in this chapter precludes the person from paying for additional expert services at his or her own expense.

(c) If the issue at the hearing is whether the person should be unconditionally discharged, the burden of proof shall be upon the state to prove beyond a reasonable doubt that the committed person's condition remains such that the person continues to meet the definition of a sexually violent predator. Evidence of the prior commitment trial and disposition is admissible. The recommitment proceeding shall otherwise proceed as set forth in RCW 71.09.050 and 71.09.060.

(d) If the issue at the hearing is whether the person should be conditionally released to a less restrictive alternative, the burden of proof at the hearing shall be upon the state to prove beyond a reasonable doubt that conditional release to any proposed less restrictive alternative either: (i) Is not in the best interest of the

committed person; or (ii) does not include conditions that would adequately protect the community. Evidence of the prior commitment trial and disposition is admissible.

(4)(a) Probable cause exists to believe that a person's condition has "so changed," under subsection (2) of this section, only when evidence exists, since the person's last commitment trial, or less restrictive alternative revocation proceeding, of a substantial change in the person's physical or mental condition such that the person either no longer meets the definition of a sexually violent predator or that a conditional release to a less restrictive alternative is in the person's best interest and conditions can be imposed to adequately protect the community.

(b) A new trial proceeding under subsection (3) of this section may be ordered, or a trial proceeding may be held, only when there is current evidence from a licensed professional of one of the following and the evidence presents a change in condition since the person's last commitment trial proceeding:

(i) An identified physiological change to the person, such as paralysis, stroke, or dementia, that renders the committed person unable to commit a sexually violent act and this change is permanent; or

(ii) A change in the person's mental condition brought about through positive response to continuing participation in treatment which indicates that the person meets the standard for conditional release to a less restrictive alternative or that the person would be safe to be at large if unconditionally released from commitment.

(c) For purposes of this section, a change in a single demographic factor, without more, does not establish probable cause for a new trial proceeding under subsection (3) of this section. As used in this section, a single demographic factor includes, but is not limited to, a change in the chronological age, marital status, or gender of the committed person.

(5) The jurisdiction of the court over a person civilly committed pursuant to this chapter continues until such time as the person is unconditionally discharged.

(6) During any period of confinement pursuant to a criminal conviction, or for any period of detention awaiting trial on criminal charges, this section is suspended.

NEW SECTION. **Sec. 3.** This act is curative and remedial, and it applies retroactively and prospectively to all petitions filed under this chapter.

NEW SECTION. **Sec. 4.** 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. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House March 6, 2018.

Passed by the Senate March 7, 2018.

Approved by the Governor March 21, 2018.

Filed in Office of Secretary of State March 23, 2018.

CHAPTER 132

[Engrossed Second Substitute House Bill 2334]

MARIJUANA PRODUCTS--CANNABINOID ADDITIVES

AN ACT Relating to the regulation of the use of cannabinoid additives in marijuana products; reenacting and amending RCW 69.50.101 and 69.50.325; adding a new section to chapter 69.50 RCW; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Licensed marijuana producers and licensed marijuana processors may use a CBD product as an additive for the purpose of enhancing the cannabidiol concentration of any product authorized for production, processing, and sale under this chapter. Except as otherwise provided in subsection (2) of this section, such CBD product additives must be lawfully produced by, or purchased from, a producer or processor licensed under this chapter.

(2) Subject to the requirements set forth in (a) and (b) of this subsection, and for the purpose of enhancing the cannabidiol concentration of any product authorized for production, processing, or sale under this chapter, licensed marijuana producers and licensed marijuana processors may use a CBD product obtained from a source not licensed under this chapter, provided the CBD product:

(a) Has a THC level of 0.3 percent or less on a dry weight basis; and

(b) Has been tested for contaminants and toxins by a testing laboratory accredited under this chapter and in accordance with testing standards established under this chapter and the applicable administrative rules.

(3) Subject to the requirements of this subsection (3), the liquor and cannabis board may enact rules necessary to implement the requirements of this section. Such rule making is limited to regulations pertaining to laboratory testing and product safety standards for those cannabidiol products used by licensed producers and processors in the manufacture of marijuana products marketed by licensed retailers under chapter 69.50 RCW. The purpose of such rule making must be to ensure the safety and purity of cannabidiol products used by marijuana producers and processors licensed under chapter 69.50 RCW and incorporated into products sold by licensed recreational marijuana retailers. This rule-making authority does not include the authority to enact rules regarding either the production or processing practices of the industrial hemp industry or any cannabidiol products that are sold or marketed outside of the regulatory framework established under chapter 69.50 RCW.

Sec. 2. RCW 69.50.101 and 2017 c 317 s 5, 2017 c 212 s 11, and 2017 c 153 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) "CBD concentration" has the meaning provided in RCW 69.51A.010.

(d) "Commission" means the pharmacy quality assurance commission.

(e) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or commission rules, but does not include industrial hemp as defined in RCW 15.120.010.

(f)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or chapter 69.77 RCW to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(g) "Deliver" or "delivery" means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(h) "Department" means the department of health.

(i) "Designated provider" has the meaning provided in RCW 69.51A.010.

(j) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(k) "Dispenser" means a practitioner who dispenses.

(l) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(m) "Distributor" means a person who distributes.

(n) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them;

(2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(o) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(p) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization verbally transmitted by telephone nor a facsimile manually signed by the practitioner.

(q) "Immature plant or clone" means a plant or clone that has no flowers, is less than twelve inches in height, and is less than twelve inches in diameter.

(r) "Immediate precursor" means a substance:

(1) that the commission has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(s) "Isomer" means an optical isomer, but in subsection (ee)(5) of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

(t) "Lot" means a definite quantity of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product identified by a lot number, every portion or package of which is uniform within recognized tolerances for the factors that appear in the labeling.

(u) "Lot number" must identify the licensee by business or trade name and Washington state unified business identifier number, and the date of harvest or processing for each lot of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product.

(v) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(w) "Marijuana" or "marihuana" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include:

(1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination; or

(2) Industrial hemp as defined in RCW 15.120.010.

(x) "Marijuana concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than ten percent.

(y) "Marijuana processor" means a person licensed by the state liquor and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.

(z) "Marijuana producer" means a person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

(aa) "Marijuana products" means useable marijuana, marijuana concentrates, and marijuana-infused products as defined in this section.

(bb) "Marijuana researcher" means a person licensed by the state liquor and cannabis board to produce, process, and possess marijuana for the purposes of conducting research on marijuana and marijuana-derived drug products.

(cc) "Marijuana retailer" means a person licensed by the state liquor and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

(dd) "Marijuana-infused products" means products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana as defined in subsection (w) of this section, and have a THC concentration no greater than ten percent. The term "marijuana-infused products" does not include either useable marijuana or marijuana concentrates.

(ee) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in subparagraphs (1) through (7).

(ff) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

(gg) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(hh) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(ii) "Plant" has the meaning provided in RCW 69.51A.010.

(jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(kk) "Practitioner" means:

(1) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an osteopathic physician assistant under chapter 18.57A RCW who is licensed under RCW 18.57A.020 subject to any limitations in RCW 18.57A.040; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical quality assurance commission or equivalent and his or her supervising physician, an advanced registered nurse practitioner licensed to prescribe controlled substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

(ll) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

(mm) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(nn) "Qualifying patient" has the meaning provided in RCW 69.51A.010.

(oo) "Recognition card" has the meaning provided in RCW 69.51A.010.

(pp) "Retail outlet" means a location licensed by the state liquor and cannabis board for the retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products.

(qq) "Secretary" means the secretary of health or the secretary's designee.

(rr) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(ss) "THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

(tt) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

(uu) "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include either marijuana-infused products or marijuana concentrates.

(vv) "CBD product" means any product containing or consisting of cannabidiol.

Sec. 3. RCW 69.50.325 and 2017 c 317 s 1 and 2017 c 316 s 2 are each reenacted and amended to read as follows:

(1) There shall be a marijuana producer's license regulated by the state liquor and cannabis board and subject to annual renewal. The licensee is authorized to produce: (a) Marijuana for sale at wholesale to marijuana processors and other marijuana producers; (b) immature plants or clones and seeds for sale to cooperatives as described under RCW 69.51A.250; and (c) immature plants or clones and seeds for sale to qualifying patients and designated providers as provided under RCW 69.51A.310. The production, possession, delivery, distribution, and sale of marijuana in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a

validly licensed marijuana producer, shall not be a criminal or civil offense under Washington state law. Every marijuana producer's license shall be issued in the name of the applicant, shall specify the location at which the marijuana producer intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana producer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana producer's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a marijuana producer intends to produce marijuana.

(2) There shall be a marijuana processor's license to process, package, and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers, regulated by the state liquor and cannabis board and subject to annual renewal. The processing, packaging, possession, delivery, distribution, and sale of marijuana, useable marijuana, marijuana-infused products, and marijuana concentrates in accordance with the provisions of this chapter and chapter 69.51A RCW and the rules adopted to implement and enforce these chapters, by a validly licensed marijuana processor, shall not be a criminal or civil offense under Washington state law. Every marijuana processor's license shall be issued in the name of the applicant, shall specify the location at which the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana processor's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana processor's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a marijuana processor intends to process marijuana.

(3)(a) There shall be a marijuana retailer's license to sell marijuana concentrates, useable marijuana, and marijuana-infused products at retail in retail outlets, regulated by the state liquor and cannabis board and subject to annual renewal. The possession, delivery, distribution, and sale of marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed marijuana retailer, shall not be a criminal or civil offense under Washington state law. Every marijuana retailer's license shall be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana retailer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana retailer's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a marijuana retailer intends to sell marijuana concentrates, useable marijuana, and marijuana-infused products.

(b) An individual retail licensee and all other persons or entities with a financial or other ownership interest in the business operating under the license are limited, in the aggregate, to holding a collective total of not more than five retail marijuana licenses.

(c)(i) A marijuana retailer's license is subject to forfeiture in accordance with rules adopted by the state liquor and cannabis board pursuant to this section.

(ii) The state liquor and cannabis board shall adopt rules to establish a license forfeiture process for a licensed marijuana retailer that is not fully operational and open to the public within a specified period from the date of license issuance, as established by the state liquor and cannabis board, subject to the following restrictions:

(A) No marijuana retailer's license may be subject to forfeiture within the first nine months of license issuance; and

(B) The state liquor and cannabis board must require license forfeiture on or before twenty-four calendar months of license issuance if a marijuana retailer is not fully operational and open to the public, unless the board determines that circumstances out of the licensee's control are preventing the licensee from becoming fully operational and that, in the board's discretion, the circumstances warrant extending the forfeiture period beyond twenty-four calendar months.

(iii) The state liquor and cannabis board has discretion in adopting rules under this subsection (3)(c).

(iv) This subsection (3)(c) applies to marijuana retailer's licenses issued before and after July 23, 2017. However, no license of a marijuana retailer that otherwise meets the conditions for license forfeiture established pursuant to this subsection (3)(c) may be subject to forfeiture within the first nine calendar months of July 23, 2017.

(v) The state liquor and cannabis board may not require license forfeiture if the licensee has been incapable of opening a fully operational retail marijuana business due to actions by the city, town, or county with jurisdiction over the licensee that include any of the following:

(A) The adoption of a ban or moratorium that prohibits the opening of a retail marijuana business; or

(B) The adoption of an ordinance or regulation related to zoning, business licensing, land use, or other regulatory measure that has the effect of preventing a licensee from receiving an occupancy permit from the jurisdiction or which otherwise prevents a licensed marijuana retailer from becoming operational.

NEW SECTION. **Sec. 4.** Section 3 of this act takes effect July 1, 2018.

Passed by the House March 6, 2018.
Passed by the Senate March 7, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 133

[Substitute House Bill 2538]

EMERGENCY HOUSING--DEVELOPMENT--IMPACT FEES

AN ACT Relating to exempting impact fees for low-income housing development; reenacting and amending RCW 82.02.090; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 82.02.090 and 2010 c 86 s 1 are each reenacted and amended to read as follows:

((~~Unless the context clearly requires otherwise, the following definitions shall apply in RCW 82.02.050 through 82.02.090:~~)) The definitions in this section apply throughout RCW 82.02.050 through 82.02.090 unless the context clearly requires otherwise.

(1) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities. "Development activity" does not include:

(a) Buildings or structures constructed by a regional transit authority; or

(b) Buildings or structures constructed as shelters that provide emergency housing for people experiencing homelessness, or emergency shelters for victims of domestic violence, as defined in RCW 70.123.020.

(2) "Development approval" means any written authorization from a county, city, or town which authorizes the commencement of development activity.

(3) "Impact fee" means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

(4) "Owner" means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser ((~~shall be~~)) is considered the owner of the real property if the contract is recorded.

(5) "Project improvements" mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. ((~~No~~)) An improvement or facility included in a capital facilities plan approved by the governing body of the county, city, or town ((~~shall be~~)) is not considered a project improvement.

(6) "Proportionate share" means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.

(7) "Public facilities" means the following capital facilities owned or operated by government entities: (a) Public streets and roads; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities.

(8) "Service area" means a geographic area defined by a county, city, town, or intergovernmental agreement in which a defined set of public facilities provide service to development within the area. Service areas ((~~shall~~)) must be designated on the basis of sound planning or engineering principles.

(9) "System improvements" mean public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 1, 2018.

Passed by the House February 8, 2018.

Passed by the Senate February 28, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 134

[House Bill 2539]

PUBLIC HOSPITAL DISTRICTS--HEALTH AND WELLNESS PROMOTION AND SUPERINTENDENT

AN ACT Relating to public hospital district health and wellness promotion activities and superintendent appointment and removal; and amending RCW 70.44.007 and 70.44.070.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 70.44.007 and 1997 c 332 s 15 are each amended to read as follows:

As used in this chapter, the following words have the meanings indicated:

(1) "Other health care facilities" means nursing home, extended care, long-term care, outpatient, and rehabilitative facilities((,)); ambulances((,)); facilities that promote health, wellness, and prevention of illness and injury; and such other facilities as are appropriate to the health and wellness needs of the population served.

(2) "Other health care services" means nursing home, extended care, long-term care, outpatient, rehabilitative, ((~~health maintenance,~~)) and ambulance services; services that promote health, wellness, and prevention of illness and injury; and such other services as are appropriate to the health needs of the population served.

(3) "Public hospital district" or "district" means public health care service district.

Sec. 2. RCW 70.44.070 and 1987 c 58 s 1 are each amended to read as follows:

(1) The public hospital district commission shall appoint a superintendent, who shall be appointed for an indefinite time and be removable at the will of the commission. Appointments and removals shall be by resolution, introduced at a regular meeting and adopted at the same or a subsequent regular meeting by a majority vote. The superintendent shall receive such compensation as the commission shall fix by resolution.

(2) Where a public hospital district operates more than one hospital, the commission may in its discretion appoint up to one superintendent per hospital and assign among the superintendents the powers and duties set forth in RCW 70.44.080 and 70.44.090 as deemed appropriate by the commission.

Passed by the House February 12, 2018.
Passed by the Senate February 28, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 135

[Substitute House Bill 2612]

TOW TRUCK OPERATORS--LICENSE PLATE INDICATOR TABS

AN ACT Relating to tow truck operators; amending RCW 46.76.030, 46.76.060, 46.76.065, 46.76.067, 46.76.080, 46.79.060, and 46.80.060; adding a new section to chapter 46.55 RCW; creating a new section; prescribing penalties; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) The legislature finds that efficiency and public safety is served by consolidating the multiple license plates currently required on the vehicles of registered tow truck operators. These registered tow truck operators currently have up to four separate license plates that are required to be displayed on the vehicle at all times. The operators have the highest training and qualifications of any towing operators in Washington state.

(2) The legislature further finds that a single unified license plate with separate endorsement tabs prevents confusion and allows for easy identification and review of tow trucks by law enforcement and the motoring public. The unified license plate also saves resources by reducing the need for license plate production and reduces fraud by limiting access to these commercial license plates.

(3) A unified license plate for registered tow truck operators serves the purposes of Washington residents, the motoring public, and law enforcement, and saves money as well.

NEW SECTION. **Sec. 2.** A new section is added to chapter 46.55 RCW to read as follows:

(1) If a tow truck, the registered owner of which is a registered tow truck operator, is to conduct transporter business under chapter 46.76 RCW, the license plate that is required to be displayed under RCW 46.16A.030 must contain an indicator tab that the vehicle is licensed to perform transporter services. The fee for an original transporter's license plate indicator tab for a tow truck, the registered owner of which is a registered tow truck operator, is twenty-five dollars. Vehicles that are used to conduct transporter business and are not owned by a registered tow truck operator must follow the requirements of chapter 46.76 RCW.

(2) If a tow truck, the registered owner of which is a registered tow truck operator, is used for a hulk hauler or scrap processor business under chapter 46.79 RCW, the license plate that is required under RCW 46.16A.030 must contain an indicator tab that the vehicle is licensed to perform hulk hauler or scrap processor purposes under the laws of the state of Washington. The fee for a hulk hauler or scrap processor business license plate indicator tab is five dollars for the original tab and two dollars for each additional tab. Vehicles that are used to conduct hulk hauler or scrap processor business and are not owned by a registered tow truck operator must follow the requirements of chapter 46.79 RCW.

(3) If a tow truck, the registered owner of which is a registered tow truck operator, is used for a wrecker business under chapter 46.80 RCW, the license plate displayed that is required under RCW 46.16A.030 must contain an indicator tab that the vehicle is licensed to perform wrecker services. The fee for a wrecker license plate indicator tab is five dollars for the original tab and two

dollars for each additional tab. Vehicles that are used to conduct wrecker business and are not owned by a registered tow truck operator must follow the requirements of chapter 46.80 RCW.

(4)(a) The license plate indicator tabs must:

(i) Affix to the license plate required to be displayed under RCW 46.16A.030;

(ii) Clearly identify the business purpose of the licensed vehicle;

(iii) Use some combination of letters and numbers to indicate a vehicle is licensed to conduct transporter business under chapter 46.76 RCW, hulk hauler or scrap processor business under chapter 46.79 RCW, or wrecker business under chapter 46.80 RCW; and

(iv) Be approved by the department.

(b) All other requirements concerning registration and display of plates as required under chapter 46.16A RCW may not conflict with this section.

(5) This act does not allow for the use of indicator tabs, authorized in this section, on a special or personalized license plate authorized in chapter 46.18 RCW.

Sec. 3. RCW 46.76.030 and 1967 c 32 s 92 are each amended to read as follows:

Upon receiving an application for transporter's license the director, if satisfied that the applicant is entitled thereto, shall issue a proper certificate of license registration and a distinctive set of license plates or an indicator tab pursuant to section 2 of this act and shall transmit the fees obtained therefor with a proper identifying report to the state treasurer, who shall deposit such fees in the motor vehicle fund. The certificate of license registration and license plates or indicator tab issued by the director shall authorize the holder of the license to drive or tow any motor vehicle or trailers upon the public highways.

Sec. 4. RCW 46.76.060 and 2010 c 8 s 9093 are each amended to read as follows:

Transporter's license plates or indicator tabs pursuant to section 2 of this act shall be conspicuously displayed on all vehicles being delivered by the driveaway or towaway methods. These plates or indicator tabs shall not be loaned to or used by any person other than the holder of the license or his or her employees.

Sec. 5. RCW 46.76.065 and 1977 ex.s. c 254 s 1 are each amended to read as follows:

The following conduct shall be sufficient grounds pursuant to RCW 34.05.422 for the director or a designee to deny, suspend, or revoke the license of a motor vehicle transporter:

(1) Using transporter plates or indicator tabs pursuant to section 2 of this act for driveaway or towaway of any vehicle owned by such transporter;

(2) Knowingly, as that term is defined in RCW 9A.08.010(1)(b), having possession of a stolen vehicle or a vehicle with a defaced, missing, or obliterated manufacturer's identification serial number;

(3) Loaning transporter plates or indicator tabs;

(4) Using transporter plates or indicator tabs for any purpose other than as provided under RCW 46.76.010; or

(5) Violation of provisions of this chapter or of rules and regulations adopted relating to enforcement and proper operation of this chapter.

Sec. 6. RCW 46.76.067 and 1988 c 239 s 4 are each amended to read as follows:

(1) Any person or organization that transports any mobile home or other vehicle for hire shall comply with this chapter and chapter 81.80 RCW. Persons or organizations that do not have a valid permit or meet other requirements under chapter 81.80 RCW shall not be issued a transporter license or transporter plates or an indicator tab pursuant to section 2 of this act to transport mobile homes or other vehicles. RCW 46.76.065(5) applies to persons or organizations that have transporter licenses or plates or indicator tabs and do not meet the requirements of chapter 81.80 RCW.

(2) This section does not apply to mobile home manufacturers or dealers that are licensed and delivering the mobile home under chapter 46.70 RCW.

Sec. 7. RCW 46.76.080 and 1979 ex.s. c 136 s 96 are each amended to read as follows:

The violation of any provision of this chapter is a traffic infraction. In addition to any other penalty imposed upon a violator of the provisions of this chapter, the director may confiscate any transporter license plates or indicator tabs used in connection with such violation.

Sec. 8. RCW 46.79.060 and 2010 c 8 s 9096 are each amended to read as follows:

The hulk hauler or scrap processor shall obtain a special set of license plates or an indicator tab pursuant to section 2 of this act in addition to the regular licenses and plates required for the operation of vehicles owned and/or operated by him or her and used in the conduct of his or her business. Such special license shall be displayed on the operational vehicles and shall be in lieu of a trip permit or current license on any vehicle being transported. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number.

Sec. 9. RCW 46.80.060 and 1995 c 256 s 8 are each amended to read as follows:

The vehicle wrecker shall obtain a special set of license plates or an indicator tab pursuant to section 2 of this act in addition to the regular licenses and plates required for the operation of such vehicles. The special plates must be displayed on vehicles owned and/or operated by the wrecker and used in the conduct of the business. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number. A wrecker with more than one licensed location in the state may use special plates bearing the same license number for vehicles operated out of any of the licensed locations.

NEW SECTION. **Sec. 10.** This act takes effect June 1, 2019.

Passed by the House March 3, 2018.
Passed by the Senate March 1, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 136

[Substitute House Bill 2627]

EMERGENCY MEDICAL CARE AND SERVICE LEVIES--APPROVAL

AN ACT Relating to authorizations of proposals for emergency medical care and service levies; and amending RCW 84.52.069.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 84.52.069 and 2012 c 115 s 1 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, urban emergency medical service district, regional fire protection service authority, or fire protection district.

(2) Except as provided in subsection (10) of this section, a taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the taxing district. The tax is imposed (a) each year for six consecutive years, (b) each year for ten consecutive years, or (c) permanently. Except as otherwise provided in this subsection, a permanent tax levy under this section, or the initial imposition of a six-year or ten-year levy under this section, must be specifically authorized by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition ((~~shall~~)) must constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in such taxing district in the last preceding general election. The ((~~uninterrupted continuation~~)) subsequent approval of a six-year or ten-year tax levy under this section must be specifically authorized by a majority of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election. If the entire region comprising a newly formed regional fire protection service authority was subject to the levy authorized under this section immediately prior to the creation of the authority under chapter 52.26 RCW, the initial imposition of a six-year or ten-year tax levy under this section may be approved by a majority of the registered voters thereof approving the creation of the authority and the related service plan. Ballot propositions must conform with RCW 29A.36.210. A taxing district may not submit to the voters at the same election multiple propositions to impose a levy under this section.

(3) A taxing district imposing a permanent levy under this section ((~~shall~~)) must provide for separate accounting of expenditures of the revenues generated by the levy. The taxing district must maintain a statement of the accounting which must be updated at least every two years and must be available to the public upon request at no charge.

(4)(a) A taxing district imposing a permanent levy under this section must provide for a referendum procedure to apply to the ordinance or resolution imposing the tax. This referendum procedure must specify that a referendum petition may be filed at any time with a filing officer, as identified in the ordinance or resolution. Within ten days, the filing officer must confer with the petitioner concerning form and style of the petition, issue the petition an identification number, and secure an accurate, concise, and positive ballot title from the designated local official. The petitioner has thirty days in which to secure the signatures of not less than fifteen percent of the registered voters of the taxing district, as of the last general election, upon petition forms which contain the ballot title and the full text of the measure to be referred. The filing officer must verify the sufficiency of the signatures on the petition and, if sufficient valid signatures are properly submitted, must certify the referendum measure to the next election within the taxing district if one is to be held within one hundred eighty days from the date of filing of the referendum petition, or at a special election to be called for that purpose in accordance with RCW 29A.04.330.

(b) The referendum procedure provided in this subsection (4) is exclusive in all instances for any taxing district imposing the tax under this section and supersedes the procedures provided under all other statutory or charter provisions for initiative or referendum which might otherwise apply.

(5) Any tax imposed under this section may be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(6) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. If a regional fire protection service authority imposes a tax under this section, no other taxing district that is a participating fire protection jurisdiction in the regional fire protection service authority may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county must be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied countywide, the service must, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no countywide levy proposal may be placed on the ballot without the approval of the legislative authority of ((~~each city exceeding fifty thousand population within the county~~)) a majority of at least seventy-five percent of all cities exceeding a population of fifty thousand within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 ((~~shall~~)) may not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies

under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is limited in duration and that is authorized subsequent to a county emergency medical service levy that is limited in duration, expires concurrently with the county emergency medical service levy. A fire protection district that has annexed an area described in subsection (10) of this section may levy the maximum amount of tax that would otherwise be allowed, notwithstanding any limitations in this subsection (6).

(7) The limitations in RCW 84.52.043 do not apply to the tax levy authorized in this section.

(8) If a ballot proposition approved under subsection (2) of this section did not impose the maximum allowable levy amount authorized for the taxing district under this section, any future increase up to the maximum allowable levy amount must be specifically authorized by the voters in accordance with subsection (2) of this section at a general or special election.

(9) The limitation in RCW 84.55.010 does not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

(10) For purposes of imposing the tax authorized under this section, the boundary of a county with a population greater than one million five hundred thousand does not include all of the area of the county that is located within a city that has a boundary in two counties, if the locally assessed value of all the property in the area of the city within the county having a population greater than one million five hundred thousand is less than two hundred fifty million dollars.

(11) For purposes of this section, the following definitions apply:

(a) "Fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district; and

(b) "Participating fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district that is represented on the governing board of a regional fire protection service authority.

Passed by the House March 5, 2018.

Passed by the Senate March 1, 2018.

Approved by the Governor March 21, 2018.

Filed in Office of Secretary of State March 23, 2018.

CHAPTER 137

[Substitute House Bill 2651]

RESIDENTIAL AND INSTITUTIONAL CARE--PERSONAL NEEDS ALLOWANCE

AN ACT Relating to increasing the personal needs allowance for people in residential and institutional care settings; and amending RCW 74.09.340.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 74.09.340 and 2017 c 270 s 2 are each amended to read as follows:

((~~Effective July 1, 2017~~)) (1) Except as provided in RCW 72.36.160, beginning January 1, 2019, the personal needs allowance for clients being served in medical institutions and in residential settings is seventy dollars.

(2) Beginning January 1, 2020, and each ((~~fiscal~~)) year thereafter, subject to the availability of amounts appropriated for this specific purpose, the personal needs allowance shall be adjusted for economic trends and conditions by increasing the allowance by the percentage cost-of-living adjustment for old-age, survivors, and disability social security benefits as published by the federal social security administration. However, in no case shall the personal needs allowance exceed the maximum personal needs allowance permissible under the federal social security act.

Passed by the House February 12, 2018.
Passed by the Senate March 5, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 138

[Engrossed Substitute House Bill 2658]

FOOD PACKAGING--PERFLUORINATED CHEMICALS

AN ACT Relating to the use of perfluorinated chemicals in food packaging; amending RCW 70.95G.010 and 70.95G.040; and adding a new section to chapter 70.95G RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 70.95G.010 and 1991 c 319 s 107 are each amended to read as follows:

((~~Unless the context clearly requires otherwise,~~)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Package" means a container providing a means of marketing, protecting, or handling a product and shall include a unit package, an intermediate package, and a shipping container. "Package" also means and includes unsealed receptacles such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

(2) "Manufacturer" means a person, firm, partnership, organization, joint venture, or corporation that applies a package to a product for distribution or sale.

(3) "Packaging component" means an individual assembled part of a package such as, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels.

(4) "Food package" means a package or packaging component that is intended for direct food contact and is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers.

(5) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS chemicals" means, for the purposes of food packaging, a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(6) "Safer alternative" means an alternative substance or chemical, demonstrated by an alternatives assessment, that meets improved hazard and

exposure considerations and can be practicably and economically substituted for the original chemical.

NEW SECTION. **Sec. 2.** A new section is added to chapter 70.95G RCW to read as follows:

(1) Beginning January 1, 2022, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state food packaging to which PFAS chemicals have been intentionally added in any amount. This prohibition may not take effect until the department of ecology completes the following: (a) Identifies that safer alternatives are available, and the safer alternative determination is supported by feedback from an external peer review of the department's alternatives assessment; and (b) publishes findings, as required under subsection (3) of this section.

(2) To determine whether safer alternatives to PFAS chemicals exist, the department of ecology must conduct an alternatives assessment as part of the PFAS chemical action plan that:

(a) Evaluates less toxic chemicals and nonchemical alternatives to replace the use of a chemical;

(b) Follows the guidelines for alternatives assessments issued by the interstate chemicals clearinghouse; and

(c) Includes, at a minimum, an evaluation of chemical hazards, exposure, performance, cost, and availability.

(3) By January 1, 2020, the department of ecology must publish its findings in the Washington State Register on whether safer alternatives to PFAS chemicals in specific applications of food packaging are available for each assessed application and submit a report with the findings and the feedback from the peer review of the department's alternatives assessment to the appropriate committees of the legislature. In order to determine that safer alternatives are available, the safer alternatives must be readily available in sufficient quantity and at a comparable cost, and perform as well as or better than PFAS chemicals in a specific food packaging application. If an alternative is a chemical, it must have previously been approved for food contact by the United States food and drug administration, such as through the issuance of a determination that the chemical has a reasonable certainty of causing no harm.

(4) The prohibition on the use of PFAS chemicals in food packaging:

(a) Becomes effective January 1, 2022, if the report required under subsection (3) of this section finds that safer alternatives are available for specific food packaging applications;

(b) Does not take effect January 1, 2022, if the report required under subsection (3) of this section does not find that safer alternatives are available for specific food packaging applications.

(5) If the department of ecology does not find that a safer alternative is available for some or all categories of food packaging applications, beginning January 1, 2021, and each year following, the department of ecology must review and report on alternatives as described in subsection (2) of this section. The prohibition in this section for specific food packaging applications takes effect two years after a report submitted to the legislature required under subsection (3) of this section finds that safer alternatives are available.

Sec. 3. RCW 70.95G.040 and 1991 c 319 s 110 are each amended to read as follows:

((~~By July 1, 1993,~~)) A certificate of compliance stating that a package or packaging component is in compliance with the requirements of this chapter shall be developed by its manufacturer. For food packaging, a manufacturer shall develop a compliance certificate by the date of a prohibition taking effect under section 2 of this act. If compliance is achieved under the exemption or exemptions provided in RCW 70.95G.030 (((~~(3) or (4)~~))), the certificate shall state the specific basis upon which the exemption is claimed. The certificate of compliance shall be signed by an authorized official of the manufacturing company. The certificate of compliance shall be kept on file by the manufacturer for as long as the package or packaging component is in use, and for three years from the date of the last sale or distribution by the manufacturer. Certificates of compliance, or copies thereof, shall be furnished to the department of ecology upon request within sixty days. If manufacturers are required under any other state statute to provide a certificate of compliance, one certificate may be developed containing all required information.

If the manufacturer or supplier of the package or packaging component reformulates or creates a new package or packaging component, the manufacturer shall develop an amended or new certificate of compliance for the reformulated or new package or packaging component.

Passed by the House February 12, 2018.
Passed by the Senate February 28, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 139

[Engrossed Substitute House Bill 2684]

STUDENTS IN OUT-OF-HOME CARE--BEST INTEREST DETERMINATIONS

AN ACT Relating to defining best practices for the process and people involved in best interest determination of students in out-of-home care; amending RCW 74.13.560 and 74.13.631; adding new sections to chapter 28A.225 RCW; adding a new section to chapter 28A.320 RCW; repealing RCW 28A.300.800; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.225 RCW to read as follows:

School districts must collaborate with the department of children, youth, and families as provided in RCW 74.13.560.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.225 RCW to read as follows:

(1) The protocols required by RCW 74.13.560 for making best interest determinations for students in out-of-home care must comply with the provisions of this section.

(2)(a) Best interest determinations should be made as quickly as possible in order to prevent educational discontinuity for the student.

(b) When making best interest determinations, every effort should be made to gather meaningful input from relevant and appropriate persons on their

perspectives regarding which school the student should attend during his or her time in out-of-home care, consistent with the student's case plan. Relevant and appropriate persons include:

(i) Representatives of the department of children, youth, and families;

(ii) Representatives of the school of origin, such as a teacher, counselor, coach, or other meaningful person in the student's life;

(iii) Biological parents;

(iv) Foster parents;

(v) Educational liaisons identified under RCW 13.34.045;

(vi) The student's relatives; and

(vii) Depending on his or her age, the student.

(3) In accordance with RCW 74.13.550, whenever practical and in their best interest, students placed into out-of-home care must remain enrolled in the school that they were attending at the time they entered out-of-home care.

(4) Student-centered factors must be used to determine what is in a student's best interest. In order to make a well-informed best interest determination, a variety of student-centered factors should be considered, including:

(a) How long is the student's current out-of-home care placement expected to last?

(b) What is the student's permanency plan and how does it relate to school stability?

(c) How many schools has the student attended in the current year?

(d) How many schools has the student attended over the past few years?

(e) Considering the impacts of past transfers, how may transferring to a new school impact the student academically, emotionally, physically, and socially?

(f) What are the immediate and long-term educational plans of, and for, the student?

(g) How strong is the student academically?

(h) If the student has special needs, what impact will transferring to a new school have on the student's progress and services?

(i) To what extent are the programs and activities at the potential new school comparable to, or more appropriate than, those at the school of origin?

(j) Does one school have programs and activities that address the unique needs or interests of the student that the other school does not have?

(k) Which school does the student prefer?

(l) How deep are the child's ties to his or her school of origin?

(m) Would the timing of the school transfer coincide with a logical juncture, such as after testing, after an event that is significant to the student, or at the end of the school year?

(n) How would changing schools affect the student's ability to earn full academic credit, participate in sports or other extracurricular activities, proceed to the next grade, or graduate on time?

(o) How would the commute to the school under consideration impact the student, in terms of distance, mode of transportation, and travel time?

(p) How anxious is the student about having been removed from the home or about any upcoming moves?

(q) What school does the student's sibling attend?

(r) Are there safety issues to consider?

(5) The student must remain in his or her school of origin while a best interest determination is made and while disputes are resolved in order to minimize disruption and reduce the number of school transfers.

(6) School districts are encouraged to use any:

(a) Best interest determination guide developed by the office of the superintendent of public instruction during the discussion about the advantages and disadvantages of keeping the student in the school of origin or transferring the student to a new school; and

(b) Dispute resolution process developed by the office of the superintendent of public instruction when there is a disagreement about school placement, the provision of educational services, or a dispute between agencies.

(7) The special education services of a student must not be interrupted by a transfer to a new school.

(8) For the purposes of this section, "out-of-home care" has the same meaning as in RCW 13.34.030.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) Each school district must designate a foster care liaison to facilitate district compliance with state and federal laws related to students in out-of-home care and to collaborate with the department of children, youth, and families to address educational barriers for these students. The role and responsibilities of a foster care liaison may include:

(a) Coordinating with the department of children, youth, and families on the implementation of state and federal laws related to students in out-of-home care;

(b) Coordinating with foster care education program staff at the office of the superintendent of public instruction;

(c) Attending training and professional development opportunities to improve school district implementation efforts;

(d) Serving as the primary contact person for representatives of the department of children, youth, and families;

(e) Leading and documenting the development of a process for making best interest determinations in accordance with section 2 of this act;

(f) Facilitating immediate enrollment in accordance with RCW 28A.225.330;

(g) Facilitating the transfer of records in accordance with RCW 28A.150.510 and 28A.225.330;

(h) Facilitating data sharing with child welfare agencies consistent with state and federal privacy laws and rules;

(i) Developing and coordinating local transportation procedures;

(j) Managing best interest determination and transportation cost disputes according to the best practices developed by the office of the superintendent of public instruction;

(k) Ensuring that students in out-of-home care are enrolled in and regularly attending school, consistent with RCW 28A.225.023; and

(l) Providing professional development and training to school staff on state and federal laws related to students in out-of-home care and their educational needs, as needed.

(2) For the purposes of this section, "out-of-home care" has the same meaning as in RCW 13.34.030.

Sec. 4. RCW 74.13.560 and 2009 c 520 s 88 are each amended to read as follows:

(1) The administrative regions of the department and the supervising agencies shall, in collaboration with school districts within their region as required by section 1 of this act, develop protocols ((~~with the respective school districts in their regions~~)) specifying specific strategies for communication, coordination, and collaboration regarding the status and progress of ((~~foster~~)) children in out-of-home care placed in the region((~~, in order~~)). The purpose of the protocols is to maximize the educational continuity and achievement for ((~~foster~~)) children in out-of-home care. The protocols ((~~shall~~)) must include methods to assure effective sharing of information, consistent with RCW 28A.225.330.

(2) The protocols required by this section must also include protocols for making best interest determinations for students in out-of-home care that comply with section 2 of this act. The protocols for making best interest determinations for students in out-of-home care must be implemented before changing the school placement of a student.

(3) For the purposes of this section, "out-of-home care" has the same meaning as in RCW 13.34.030.

Sec. 5. RCW 74.13.631 and 2013 c 182 s 6 are each amended to read as follows:

(1) Consistent with the provisions for making best interest determinations established in section 2 of this act and RCW 74.13.560, the department shall provide youth residing in out-of-home care the opportunity to remain enrolled in the school he or she was attending prior to out-of-home placement, unless the safety of the youth is jeopardized, or a relative or other suitable person placement approved by the department is secured for the youth, or it is determined not to be in the youth's best interest to remain enrolled in the school he or she was attending prior to out-of-home placement. If the parties in the dependency case disagree regarding which school the youth should be enrolled in, the youth may remain enrolled in the school of origin until the disagreement is resolved in court, unless the department determines that the youth is in immediate danger by remaining enrolled in the school of origin.

(2) Unless otherwise directed by the court, the educational responsibilities of the department for school-aged youth residing in out-of-home care are the following:

(a) To collaboratively discuss and document school placement options and plan necessary school transfers during the family team decision-making meeting;

(b) To notify the receiving school and the school of origin that a youth residing in foster care is transferring schools;

(c) To request and secure missing academic records or medical records required for school enrollment within ten business days;

(d) To document the request and receipt of academic records in the individual service and safety plan;

(e) To pay any unpaid fees or fines due by the youth to the school or school district;

(f) To notify all legal parties when a school disruption occurs; and

(g) To document factors that contributed to any school disruptions.

NEW SECTION. **Sec. 6.** RCW 28A.300.800 (Education of school-age children in short-term foster care—Working group—Recommendations to legislature) and 2002 c 326 s 1 are each repealed.

NEW SECTION. **Sec. 7.** This act takes effect September 1, 2018.

Passed by the House February 8, 2018.
Passed by the Senate February 28, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 140

[Substitute House Bill 2692]

WASHINGTON STATE PATROL--MINIMUM MONTHLY SALARY

AN ACT Relating to minimum monthly salary paid to Washington state patrol troopers and sergeants; amending RCW 43.43.380; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.43.380 and 2016 c 28 s 5 are each amended to read as follows:

(1) The minimum monthly salary paid to state patrol troopers and sergeants ((~~on July 1, 2017,~~)) must be competitive with law enforcement agencies within the boundaries of the state of Washington, guided by the results of a survey undertaken in the collective bargaining process during ((~~2016~~)) each biennium. The salary levels ((~~on July 1, 2017,~~)) must be guided by the average of compensation paid to the corresponding rank from the Seattle police department, King county sheriff's office, Tacoma police department, Snohomish county sheriff's office, Spokane police department, and Vancouver police department. Compensation must be calculated using base salary, premium pay (a pay received by more than a majority of employees), education pay, and longevity pay. The compensation comparison data is based on the Washington state patrol and the law enforcement agencies listed in this section ((~~as of July 1, 2016~~)). Increases in salary levels for captains and lieutenants that are collectively bargained must be proportionate to the increases in salaries for troopers and sergeants as a result of the survey described in this section.

(2) By December 1, 2024, as part of the salary survey required in this section, the office of financial management must report to the governor and transportation committees of the legislature on the efficacy of Washington state patrol recruitment and retention efforts. Using the results of the 2016 salary survey as the baseline data, the report must include an analysis of voluntary resignations of state patrol troopers and sergeants and a comparison of state patrol academy class sizes and trooper graduations.

(3) This section expires June 30, 2025.

Passed by the House March 5, 2018.
Passed by the Senate March 1, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 141

[House Bill 2702]

FAMILY AND MEDICAL LEAVE PROGRAM--TECHNICAL CORRECTIONS

AN ACT Relating to making technical corrections to the family and medical leave program and making no substantive changes; and amending RCW 50A.04.010, 50A.04.110, 50A.04.500, 50A.04.525, 50A.04.540, 50A.04.565, and 50A.04.600.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 50A.04.010 and 2017 3rd sp.s. c 5 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Child" includes a biological, adopted, or foster child, a stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

(2) "Commissioner" means the commissioner of the department or the commissioner's designee.

(3) "Department" means the employment security department.

(4)(a) "Employee" means an individual who is in the employment of an employer.

(b) "Employee" does not include employees of the United States of America.

(5) "Employee's average weekly wage" means the quotient derived by dividing the employee's total wages during the two quarters of the employee's qualifying period in which total wages were highest by twenty-six. If the result is not a multiple of one dollar, the department must round the result to the next lower multiple of one dollar.

(6)(a) "Employer" means: (i) Any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, limited liability company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the legal representative of a deceased person, having any person in employment or, having become an employer, has not ceased to be an employer as provided in this chapter; (ii) the state, state institutions, and state agencies; and (iii) any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision.

(b) "Employer" does not include the United States of America.

(7)(a) "Employment" means personal service, of whatever nature, unlimited by the relationship of master and servant as known to the common law or any other legal relationship performed for wages or under any contract calling for the performance of personal services, written or oral, express or implied. The term "employment" includes an individual's entire service performed within or without or both within and without this state, if:

(i) The service is localized in this state; or

(ii) The service is not localized in any state, but some of the service is performed in this state; and

(A) The base of operations of the employee is in the state, or if there is no base of operations, then the place from which such service is directed or controlled is in this state; or

(B) The base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(b) "Employment" does not include:

(i) Self-employed individuals;

(ii) Services for remuneration when it is shown to the satisfaction of the commissioner that:

(A)(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service; or

(B) As a separate alternative:

(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or such individual has a principal place of business for the work the individual is conducting that is eligible for a business deduction for federal income tax purposes; and

(IV) On the effective date of the contract of service, such individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting; and

(V) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, such individual has established an account with the department of revenue, and other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington; and

(VI) On the effective date of the contract of service, such individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business which the individual is conducting; or

(iii) Services that require registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW rendered by an individual when:

(A) The individual has been and will continue to be free from control or direction over the performance of the service, both under the contract of service and in fact;

(B) The service is either outside the usual course of business for which the service is performed, or the service is performed outside of all the places of business of the enterprise for which the service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed;

(C) The individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or the individual has a principal place of business for the business the individual is conducting that is eligible for a business deduction for federal income tax purposes, other than that furnished by the employer for which the business has contracted to furnish services;

(D) On the effective date of the contract of service, the individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting;

(E) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, the individual has an active and valid certificate of registration with the department of revenue, and an active and valid account with any other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington;

(F) On the effective date of the contract of service, the individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business that the individual is conducting; and

(G) On the effective date of the contract of service, the individual has a valid contractor registration pursuant to chapter 18.27 RCW or an electrical contractor license pursuant to chapter 19.28 RCW.

(8) "Employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions except benefits that are provided by a practice or written policy of an employer or through an employee benefit plan as defined in 29 U.S.C. Sec. 1002(3).

(9) "Family leave" means any leave taken by an employee from work:

(a) To participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member;

(b) To bond with the employee's child during the first twelve months after the child's birth, or the first twelve months after the placement of a child under the age of eighteen with the employee; or

(c) Because of any qualifying exigency as permitted under the federal family and medical leave act, 29 U.S.C. Sec. 2612(a)(1)((~~(c)~~)) (E) and 29 C.F.R. Sec. 825.126(a)(1) through (8), as they existed on October 19, 2017, for family members as defined in subsection (10) of this section.

(10) "Family member" means a child, grandchild, grandparent, parent, sibling, or spouse of an employee.

(11) "Grandchild" means a child of the employee's child.

(12) "Grandparent" means a parent of the employee's parent.

(13) "Health care provider" means: (a) A person licensed as a physician under chapter 18.71 RCW or an osteopathic physician and surgeon under chapter 18.57 RCW; (b) a person licensed as an advanced registered nurse practitioner under chapter 18.79 RCW; or (c) any other person determined by the commissioner to be capable of providing health care services.

(14) "Medical leave" means any leave taken by an employee from work made necessary by the employee's own serious health condition.

(15) "Parent" means the biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a child.

(16) "Period of incapacity" means an inability to work, attend school, or perform other regular daily activities because of a serious health condition, treatment of that condition or recovery from it, or subsequent treatment in connection with such inpatient care.

(17) "Premium" or "premiums" means the payments required by RCW 50A.04.115 and paid to the department for deposit in the family and medical leave insurance account under RCW 50A.04.220.

(18) "Qualifying period" means the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar quarters immediately preceding the application for leave.

(19)(a) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

(i) Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity; or

(ii) Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(A) A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(I) Treatment two or more times, within thirty days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services, such as a physical therapist, under orders of, or on referral by, a health care provider; or

(II) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;

(B) Any period of incapacity due to pregnancy, or for prenatal care;

(C) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(I) Requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(II) Continues over an extended period of time, including recurring episodes of a single underlying condition; and

(III) May cause episodic rather than a continuing period of incapacity, including asthma, diabetes, and epilepsy;

(D) A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider, including Alzheimer's, a severe stroke, or the terminal stages of a disease; or

(E) Any period of absence to receive multiple treatments, including any period of recovery from the treatments, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for: (I) Restorative surgery after an accident or other injury; or (II) a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer, severe arthritis, or kidney disease.

(b) The requirement in (a)(i) and (ii) of this subsection for treatment by a health care provider means an in-person visit to a health care provider. The first, or only, in-person treatment visit must take place within seven days of the first day of incapacity.

(c) Whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty-day period shall be determined by the health care provider.

(d) The term extenuating circumstances in (a)(ii)(A)(I) of this subsection means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the thirty-day period, but the health care provider does not have any available appointments during that time period.

(e) Treatment for purposes of (a) of this subsection includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. Under (a)(ii)(A)(II) of this subsection, a regimen of continuing treatment includes, but is not limited to, a course of prescription medication, such as an antibiotic, or therapy requiring special equipment to resolve or alleviate the health condition, such as oxygen. A regimen of continuing treatment that includes taking over-the-counter medications, such as aspirin, antihistamines, or salves, or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of this chapter.

(f) Conditions for which cosmetic treatments are administered, such as most treatments for acne or plastic surgery, are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, and periodontal disease are examples of conditions that are not serious health conditions and do not qualify for leave under this chapter. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this section are

met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.

(g)(i) Substance abuse may be a serious health condition if the conditions of this section are met. However, leave may only be taken for treatment for substance abuse by a health care provider or by a licensed substance abuse treatment provider. Absence because of the employee's use of the substance, rather than for treatment, does not qualify for leave under this chapter.

(ii) Treatment for substance abuse does not prevent an employer from taking employment action against an employee. The employer may not take action against the employee because the employee has exercised his or her right to take medical leave for treatment. However, if the employer has an established policy, applied in a nondiscriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant to that policy the employee may be terminated whether or not the employee is presently taking medical leave. An employee may also take family leave to care for a covered family member who is receiving treatment for substance abuse. The employer may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

(h) Absences attributable to incapacity under (a)(ii)(B) or (C) of this subsection qualify for leave under this chapter even though the employee or the family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

(20) "Service is localized in this state" has the same meaning as described in RCW 50.04.120.

(21) "Spouse" means a husband or wife, as the case may be, or state registered domestic partner.

(22) "State average weekly wage" means the most recent average weekly wage calculated under RCW 50.04.355 and available on January 1st of each year.

(23) "Typical workweek hours" means:

(a) For an hourly employee, the average number of hours worked per week by an employee since the beginning of the qualifying period; and

(b) Forty hours for a salaried employee, regardless of the number of hours the salaried employee typically works.

(24) "Wage" means the same as "wages" under RCW 50.04.320(2), except that: (a) The term employment as used in RCW 50.04.320(2) is defined in this chapter; and (b) the maximum wages subject to a premium assessment are those wages as set by the commissioner under RCW 50A.04.115(4). "Wages" for purposes of elective coverage under RCW ((~~50A.04.120~~)) 50A.04.105 has the meaning as defined by rule.

Sec. 2. RCW 50A.04.110 and 2017 3rd sp.s. c 5 s 11 are each amended to read as follows:

A federally recognized tribe may elect coverage under RCW ((~~50A.04.120~~)) 50A.04.105. The department shall adopt rules to implement this section.

Sec. 3. RCW 50A.04.500 and 2017 3rd sp.s. c 5 s 34 are each amended to read as follows:

(1) Any aggrieved person may file an appeal from any determination or redetermination with the commissioner within thirty days after the date of notification or mailing, whichever is earlier, of such determination or redetermination to the person's last known address. If an appeal with respect to any determination is pending as of the date when a redetermination is issued, such appeal, unless withdrawn, shall be treated as an appeal from such redetermination.

(2) Any appeal from a determination of denial of benefits shall be deemed to be an appeal as to all weeks subsequent to the effective date of the denial for which benefits have already been denied. If no appeal is taken from any determination, or redetermination, within the time allowed by the provisions of this section for appeal, the determination or redetermination, as the case may be, shall be conclusively deemed to be correct except as provided in respect to reconsideration by the commissioner of any determination.

(3) Upon receipt of a notice of appeal, the commissioner shall request the assignment of an administrative law judge ((~~in accordance with~~)) under chapter 34.12 RCW to conduct a hearing in accordance with chapter 34.05 RCW and issue a proposed order.

Sec. 4. RCW 50A.04.525 and 2017 3rd sp.s. c 5 s 37 are each amended to read as follows:

(1) In any proceeding before an administrative law judge involving a dispute of an employee's initial determination, claim for waiting period credit or claim for benefits, all matters and provisions of this chapter relating to the employee's initial determination, or right to receive such credit or benefits for the period in question, shall be deemed to be in issue irrespective of the particular ground or grounds set forth in the notice of appeal in single employee cases.

(2) In any proceeding before an administrative law judge involving an employee's right to benefits, all parties shall be afforded an opportunity for hearing after not less than seven days' notice in accordance with RCW 34.05.434.

(3) In any proceeding involving an appeal relating to benefit determinations or benefit claims, the administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall render its decision affirming, modifying, or setting aside the determination or decisions of the department. The parties shall be duly notified of such decision together with the reasons, which shall be deemed to be the final decision unless, within thirty days after the date of notification or mailing, whichever is the earlier, of such decision, further appeal is perfected pursuant to RCW ((~~50A.04.530~~)) 50A.04.535.

Sec. 5. RCW 50A.04.540 and 2017 3rd sp.s. c 5 s 42 are each amended to read as follows:

After having acquired jurisdiction for review, the commissioner shall review the proceedings in question. Prior to rendering a decision, the commissioner may order the taking of additional evidence by an administrative law judge to be made a part of the record in the case. Upon the basis of evidence submitted to the

administrative law judge and such additional evidence as the commissioner may order to be taken, the commissioner shall render a decision in writing affirming, modifying, or setting aside the decision of the administrative law judge. Alternatively, the commissioner may order further proceedings to be held before the administrative law judge, upon completion of which the administrative law judge shall issue a new decision in writing affirming, modifying, or setting aside ((~~its~~)) the previous decision of the administrative law judge. The new decision of the administrative law judge may be appealed as provided under RCW ((~~50A.04.530~~)) 50A.04.535. The commissioner shall mail the decision of the commissioner to the interested parties at their last known addresses.

Sec. 6. RCW 50A.04.565 and 2017 3rd sp.s. c 5 s 44 are each amended to read as follows:

Judicial review of a decision of the commissioner involving the review of a decision of an administrative law judge under this chapter may be had only in accordance with the procedural requirements of RCW ((~~34.05.570~~)) 34.05.452.

Sec. 7. RCW 50A.04.600 and 2017 3rd sp.s. c 5 s 14 are each amended to read as follows:

(1) An employer may apply to the commissioner for approval of a voluntary plan for the payment of either family leave benefits or medical leave benefits, or both. The application must be submitted on a form and in the manner as prescribed by the commissioner in rule. The fee for the department's review of each application for approval of a voluntary plan is two hundred fifty dollars.

(2) The benefits payable as indemnification for loss of wages under any voluntary plan must be separately stated and designated separately and distinctly in the plan from other benefits, if any.

(3) Neither an employee nor his or her employer are liable for any premiums for benefits covered by an approved voluntary plan.

(4) Except as provided in this section, an employee covered by an approved voluntary plan at the commencement of a period of family leave or a medical leave benefit period is not entitled to benefits from the state program. Benefits payable to that employee is the liability of the approved voluntary plan under which the employee was covered at the commencement of the family leave or medical leave benefit period, regardless of any subsequent serious health condition or family leave which may occur during the benefit period. The commissioner must adopt rules to allow benefits or prevent duplication of benefits to employees simultaneously covered by one or more approved voluntary plans and the state program.

(5) The commissioner must approve any voluntary plan as to which the commissioner finds that there is at least one employee in employment and all of the following exist:

(a) The benefits afforded to the employees must be at least equivalent to the benefits the employees are entitled to as part of the state's family and medical leave program, including but not limited to the duration of leave. The employer must offer at least one-half of the length of leave as provided in RCW 50A.04.020((~~(2)~~))(3) with pay and provide a monetary payment in an amount equal to or higher than the total amount of monetary benefits the employee would be entitled to receive as part of the state-run program. The employer may

offer the same duration of leave and monetary benefits as offered under the state program.

(b) The sick leave an employee is entitled to under RCW 49.46.210 is in addition to the employer's provided benefits and is in addition to any family and medical leave benefits.

(c) The plan is available to all of the eligible employees of the employer employed in this state, including future employees.

(d) The employer has agreed to make the payroll deductions required, if any, and transmit the proceeds to the department for any portions not collected for the voluntary plan.

(e) The plan will be in effect for a period of not less than one year and, thereafter, continuously unless the commissioner finds that the employer has given notice of withdrawal from the plan in a manner specified by the commissioner in rule. The plan may be withdrawn by the employer on the date of any law increasing the benefit amounts or the date of any change in the rate of employee premiums, if notice of the withdrawal from the plan is transmitted to the commissioner not less than thirty days prior to the date of that law or change. If the plan is not withdrawn, it must be amended to conform to provide the increased benefit amount or change in the rate of the employee's premium on the date of the increase or change.

(f) The amount of payroll deductions from the wages of an employee in effect for any voluntary plan may not exceed the maximum payroll deduction for that employee as authorized under RCW 50A.04.115. The deductions may not be increased on other than an anniversary of the effective date of the plan, except to the extent that any increase in the deductions from the wages of an employee do not exceed the maximum rate authorized under the state program.

(g) The voluntary plan provides that an employee of an employer with a voluntary plan for either family leave or medical leave, or both, is eligible for the plan benefits if the employee meets the requirements of RCW 50A.04.015 and has worked at least three hundred forty hours for the employer during the twelve months immediately preceding the date leave will commence.

(h) The voluntary plan provides that an employee of an employer with a voluntary plan for either family leave or medical leave, or both, who takes leave under the voluntary plan is entitled to the employment protection provisions contained in RCW 50A.04.025 if the employee has worked for the employer for at least nine months and nine hundred sixty-five hours during the twelve months immediately preceding the date leave will commence.

(i) The voluntary plan provides that the employer maintains the employee's existing health benefits as provided under RCW 50A.04.245.

(6)(a) The department must conduct a review of the expenses incurred in association with the administration of the voluntary plans during the first three years after implementation and report its findings to the legislature.

(b) The review must include an analysis of the adequacy of the fee in subsection (1) of this section to cover the department's administrative expenses related to reviewing and approving or denying the applications and administering appeals related to voluntary plans. The review must include an estimate of the next year's projected administrative costs related to the voluntary plans. The legislature shall adjust the fee in subsection (1) of this section as

needed to ensure the department's administrative expenses related to the voluntary plans are covered by the fee.

(c) If the current receipts from the fee in subsection (1) of this section are inadequate to cover the department's administrative expenses related to the voluntary plans, the department may use funds from the family and medical leave insurance account under RCW 50A.04.220 to pay for these expenses.

Passed by the House January 29, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 142

[House Bill 2892]

MENTAL HEALTH FIELD RESPONSE TEAMS PROGRAM

AN ACT Relating to the mental health field response teams program; and adding a new section to chapter 36.28A RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 36.28A RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall develop and implement a mental health field response grant program. The purpose of the program is to assist local law enforcement agencies to establish and expand mental health field response capabilities, utilizing mental health professionals to professionally, humanely, and safely respond to crises involving persons with behavioral health issues with treatment, diversion, and reduced incarceration time as primary goals. A portion of the grant funds may also be used to develop data management capability to support the program.

(2) Grants must be awarded to local law enforcement agencies based on locally developed proposals to incorporate mental health professionals into the agencies' mental health field response planning and response. Two or more agencies may submit a joint grant proposal to develop their mental health field response proposals. Proposals must provide a plan for improving mental health field response and diversion from incarceration through modifying or expanding law enforcement practices in partnership with mental health professionals. A peer review panel appointed by the Washington association of sheriffs and police chiefs in consultation with integrated managed care organizations and behavioral health organizations must review the grant applications. Once the Washington association of sheriffs and police chiefs certifies that the application satisfies the proposal criteria, the grant funds will be distributed. To the extent possible, at least one grant recipient agency should be from the east side of the state and one from the west side of the state with the crest of the Cascades being the dividing line. The Washington association of sheriffs and police chiefs shall make every effort to fund at least eight grants per fiscal year with funding provided for this purpose from all allowable sources under this section. The Washington association of sheriffs and police chiefs may prioritize grant applications that

include local matching funds. Grant recipients must be selected and receiving funds no later than October 1, 2018.

(3) Grant recipients must include at least one mental health professional who will perform professional services under the plan. A mental health professional may assist patrolling officers in the field or in an on-call capacity, provide preventive, follow-up, training on mental health field response best practices, or other services at the direction of the local law enforcement agency. Nothing in this subsection (3) limits the mental health professional's participation to field patrol. Grant recipients are encouraged to coordinate with local public safety answering points to maximize the goals of the program.

(4) Within existing resources, the Washington association of sheriffs and police chiefs shall:

(a) Consult with the department of social and health services research and data analysis unit to establish data collection and reporting guidelines for grant recipients. The data will be used to study and evaluate whether the use of mental health field response programs improves outcomes of interactions with persons experiencing behavioral health crises, including reducing rates of violence and harm, reduced arrests, and jail or emergency room usage;

(b) Consult with the department of social and health services behavioral health administration and the managed care system to develop requirements for participating mental health professionals; and

(c) Coordinate with public safety answering points, behavioral health, and the department of social and health services to develop and incorporate telephone triage criteria or dispatch protocols to assist with mental health, law enforcement, and emergency medical responses involving mental health situations.

(5) The Washington association of sheriffs and police chiefs shall submit an annual report to the governor and appropriate committees of the legislature on the program. The report must include information on grant recipients, use of funds, participation of mental health professionals, and feedback from the grant recipients by December 1st of each year the program is funded.

(6) Grant recipients shall develop and provide or arrange for training necessary for mental health professionals to operate successfully and competently in partnership with law enforcement agencies. The training must provide the professionals with a working knowledge of law enforcement procedures and tools sufficient to provide for the safety of the professionals, partnered law enforcement officers, and members of the public.

(7) Nothing in this section prohibits the Washington association of sheriffs and police chiefs from soliciting or accepting private funds to support the program created in this section.

Passed by the House March 5, 2018.

Passed by the Senate March 2, 2018.

Approved by the Governor March 21, 2018.

Filed in Office of Secretary of State March 23, 2018.

CHAPTER 143

[Senate Bill 5020]

ETHNIC AND CULTURAL DIVERSITY COMMISSIONS

AN ACT Relating to certain state ethnic and cultural diversity commissions; amending RCW 43.113.030 and 43.117.070; and repealing RCW 43.131.341 and 43.131.342.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.113.030 and 1992 c 96 s 4 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) Examine and define issues pertaining to the rights and needs of African-Americans, and make recommendations to the governor and state agencies for changes in programs and laws.

(2) Advise the governor and state agencies on the development and implementation of policies, plans, and programs that relate to the special needs of African-Americans.

(3) ((~~Acting in concert with the governor,~~)) Advise the legislature on issues of concern to the African-American community.

(4) Establish relationships with state agencies, local governments, and private sector organizations that promote equal opportunity and benefits for African-Americans.

(5) Receive gifts, grants, and endowments from public or private sources that are made for the use or benefit of the commission and expend, without appropriation, the same or any income from the gifts, grants, or endowments according to their terms.

Sec. 2. RCW 43.117.070 and 2007 c 19 s 3 are each amended to read as follows:

(1) The commission shall examine and define issues pertaining to the rights and needs of Asian Pacific Americans, and make recommendations to the governor and state agencies with respect to desirable changes in program and law.

(2) The commission shall advise such state government agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Asian Pacific Americans.

(3) The commission shall advise the legislature on issues of concern to the Asian Pacific American community.

(4) The commission shall coordinate and assist with statewide celebrations during the fourth week of Asian Pacific American Heritage Month that recognize the contributions to the state by Asian Pacific Americans in the arts, sciences, commerce, and education.

((~~(4)~~)) (5) The commission shall coordinate and assist educational institutions, public entities, and private organizations with celebrations of Korean-American day that recognize the contributions to the state by Korean-Americans in the arts, sciences, commerce, and education.

((~~(5)~~)) (6) Each state department and agency shall provide appropriate and reasonable assistance to the commission as needed in order that the commission may carry out the purposes of this chapter.

NEW SECTION. **Sec. 3.** The following acts or parts of acts are each repealed:

(1) RCW 43.131.341 (Washington state commission on Hispanic affairs—Termination) and 1993 c 261 s 5 & 1987 c 249 s 8; and

(2) RCW 43.131.342 (Washington state commission on Hispanic affairs—Repeal) and 1993 c 261 s 6 & 1987 c 249 s 9.

Passed by the Senate March 5, 2018.

Passed by the House March 1, 2018.

Approved by the Governor March 21, 2018.

Filed in Office of Secretary of State March 23, 2018.

CHAPTER 144

[Senate Bill 5028]

TEACHER PREPARATION PROGRAMS--NATIVE AMERICAN CURRICULUM

AN ACT Relating to requiring teacher preparation programs to integrate Native American curriculum developed by the office of the superintendent of public instruction into existing Pacific Northwest history and government requirements; amending RCW 28B.10.710; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that the 2015 legislature mandated common schools to use the Since Time Immemorial curriculum, developed by the office of the superintendent of public instruction and available free of charge. The legislature recognizes the need to extend the state's commitment to educate students about tribal sovereignty, history, culture, and treaty rights by requiring educator preparation programs to also use the Since Time Immemorial curriculum. The legislature intends the use of the curriculum to improve the understanding of students and educators about the past contributions of Indian nations to the state of Washington and the contemporary and ongoing tribal and state government relations.

Sec. 2. RCW 28B.10.710 and 2006 c 263 s 823 are each amended to read as follows:

(1)(a) There shall be a one quarter or semester course in either Washington state history and government, or Pacific Northwest history and government in the curriculum of all ((~~teachers' colleges and teachers' courses in all institutions of higher education~~)) teacher preparation programs.

(b) No person shall be graduated from any of said ((~~schools~~)) programs without completing said course of study, unless otherwise determined by the Washington professional educator standards board.

(2) Any course in Washington state or Pacific Northwest history and government used to fulfill ((~~this~~)) the requirement in subsection (1) of this section shall include information on the culture, history, and government of the American Indian peoples who were the first human inhabitants of the state and the region.

(3) Teacher preparation programs shall meet the requirements of this section by integrating the curriculum developed and made available free of charge by the office of the superintendent of public instruction into existing programs or

courses and may modify that curriculum in order to incorporate elements that have a regionally specific focus.

Passed by the Senate January 25, 2018.
Passed by the House March 1, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 145

[Substitute Senate Bill 5553]

SUICIDE PREVENTION--VOLUNTARY WAIVER OF FIREARM RIGHTS

AN ACT Relating to preventing suicide by permitting the voluntary waiver of firearm rights; amending RCW 9.41.080 and 9.41.092; adding new sections to chapter 9.41 RCW; prescribing penalties; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW to read as follows:

(1) A person may file a voluntary waiver of firearm rights with the clerk of the court in any county in Washington state. The clerk of the court must request photo identification to verify the person's identity prior to accepting the form. The person filing the form may provide an alternate person to be contacted if a voluntary waiver of firearm rights is revoked. By the end of the business day, the clerk of the court must transmit the accepted form to the Washington state patrol. The Washington state patrol must enter the voluntary waiver of firearm rights into the national instant criminal background check system and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms within twenty-four hours of receipt of the form. Copies and records of the voluntary waiver of firearm rights shall not be disclosed except to law enforcement agencies.

(2) No sooner than seven calendar days after filing a voluntary waiver of firearm rights, the person may file a revocation of the voluntary waiver of firearm rights in the same county where the voluntary waiver of firearm rights was filed. The clerk of the court must request photo identification to verify the person's identity prior to accepting the form. By the end of the business day, the clerk of the court must transmit the form to the Washington state patrol and to any contact person listed on the voluntary waiver of firearm rights and destroy all records of the voluntary waiver. Within seven days of receiving a revocation of a voluntary waiver of firearm rights, the Washington state patrol must remove the person from the national instant criminal background check system, and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms in which the person was entered, unless the person is otherwise ineligible to possess a firearm under RCW 9.41.040, and destroy all records of the voluntary waiver.

(3) A person who knowingly makes a false statement regarding their identity on the voluntary waiver of firearm rights form or revocation of waiver of firearm rights form is guilty of false swearing under RCW 9A.72.040.

(4) Neither a voluntary waiver of firearm rights nor a revocation of a voluntary waiver of firearm rights shall be considered by a court in any legal proceeding.

(5) A voluntary waiver of firearm rights may not be required of an individual as a condition for receiving employment, benefits, or services.

(6) All records obtained and all reports produced, as required by this section, are not subject to disclosure through the public records act under chapter 42.56 RCW.

NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW to read as follows:

(1) The administrator for the courts, under the direction of the chief justice, shall develop a voluntary waiver of firearm rights form and a revocation of voluntary waiver of firearm rights form by January 1, 2019.

(2) The forms must include all of the information necessary for identification and entry of the person into the national instant criminal background check system, and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms. The voluntary waiver of firearm rights form must include the following language:

Because you have filed this voluntary waiver of firearm rights, effective immediately you may not purchase or receive any firearm. You may revoke this voluntary waiver of firearm rights any time after at least seven calendar days have elapsed since the time of filing.

(3) The forms must be made available on the administrator for the courts web site, at all county clerk offices, and must also be made widely available at firearm and ammunition dealers and health care provider locations.

Sec. 3. RCW 9.41.080 and 1994 sp.s. c 7 s 409 are each amended to read as follows:

No person may deliver a firearm to any person whom he or she has reasonable cause to believe: (1) Is ineligible under RCW 9.41.040 to possess a firearm or (2) has signed a valid voluntary waiver of firearm rights that has not been revoked under section 1 of this act. Any person violating this section is guilty of a class C felony, punishable under chapter 9A.20 RCW.

Sec. 4. RCW 9.41.092 and 2015 c 1 s 4 are each amended to read as follows:

Except as otherwise provided in this chapter, a licensed dealer may not deliver any firearm to a purchaser or transferee until the earlier of:

(1) The results of all required background checks are known and the purchaser or transferee (a) is not prohibited from owning or possessing a firearm under federal or state law and (b) does not have a voluntary waiver of firearm rights currently in effect; or

(2) 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.

NEW SECTION. **Sec. 5.** Sections 1, 3, and 4 of this act take effect January 1, 2019.

Passed by the Senate March 5, 2018.
Passed by the House February 23, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 146

[Senate Bill 6007]

ELECTROLYTIC PROCESSING BUSINESSES--PUBLIC UTILITY TAX EXEMPTION--EXPIRATION

AN ACT Relating to extending the expiration date of the public utility tax exemption for certain electrolytic processing businesses; amending RCW 82.16.0421; creating a new section; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) This section is the tax preference performance statement for the tax preference contained in section 2, chapter . . ., Laws of 2018 (section 2 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to create or retain jobs and improve industry competitiveness as indicated in RCW 82.32.808(2) (b) and (c).

(3) It is the legislature's specific public policy objective to maintain the industry competitiveness of electrolytic processing businesses in Washington created under the existing tax exemption in RCW 82.16.0421 and thereby enable such businesses to continue to provide family-wage jobs in our state. The legislature recognizes that since 2004 when the public utility tax exemption in RCW 82.16.0421 was initially enacted, electrolytic processing businesses receiving the exemption have demonstrated the ability to successfully apply their tax savings towards maintaining competitiveness, while still providing family-wage jobs. It is the legislature's intent to extend the expiration date of the existing public utility tax exemption under RCW 82.16.0421 for chlor-alkali electrolytic processing businesses and sodium chlorate electrolytic processing businesses in order to:

(a) Maintain industry competitiveness for such electrolytic processing businesses, who rely on electricity as a primary manufacturing input. The legislature recognizes that these businesses face uncertain electric energy costs and that offsetting tax advantages are available to competing firms outside of Washington; and

(b) Support manufacturing and a skilled workforce by retaining existing family-wage jobs and creating new family-wage jobs in Washington by enabling electrolytic processing businesses to maintain production of chlor-alkali and sodium chlorate at a level that preserves the jobs that were on the payroll of electrolytic processing businesses as of the effective date of this section.

(4) To measure the effectiveness of the tax preference provided in section 2, chapter . . ., Laws of 2018 (section 2 of this act) in achieving the specific public policy objective described in subsection (3) of this section, the joint legislative audit and review committee must review the impact of the preference on electricity costs and whether electrolytic processing businesses in the state receive tax treatment similar to the treatment of competing firms in other states. The review must also include an analysis of the number of employees in family-wage jobs employed in electrolytic processing in the state.

(5) The legislature intends to extend the expiration date of the tax exemption in RCW 82.16.0421, if the joint legislative audit and review committee finds that:

(a) Electricity costs are reduced and that Washington electrolytic processing businesses receive similar tax treatment as provided in other states; or

(b) Family-wage jobs in electrolytic processing businesses have been preserved compared to the levels for such jobs as of the effective date of this section.

(6) The joint legislative audit and review committee must make recommendations on how the tax preference can be improved to accomplish the legislative objectives, if the joint legislative audit and review committee finds that:

(a) Electricity costs have not been reduced or that similar tax treatment as provided in other states has not been maintained; or

(b) The number of electrolytic processing business family-wage jobs in Washington has been maintained at less than the levels as of the effective date of this section.

(7) For the purposes of measuring the performance of the tax preference in section 2, chapter . . ., Laws of 2018 (section 2 of this act), "family-wage jobs" means jobs paying a wage equal to at least the average manufacturing wage in the county in which the jobs are located.

(8) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to data provided to the department of revenue and the employment security department.

Sec. 2. RCW 82.16.0421 and 2017 c 135 s 34 are each amended to read as follows:

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

(a) "Chlor-alkali electrolytic processing business" means a person who is engaged in a business that uses more than ten average megawatts of electricity per month in a chlor-alkali electrolytic process to split the electrochemical bonds of sodium chloride and water to make chlorine and sodium hydroxide. A "chlor-alkali electrolytic processing business" does not include direct service industrial customers or their subsidiaries that contract for the purchase of power from the Bonneville power administration as of June 10, 2004.

(b) "Sodium chlorate electrolytic processing business" means a person who is engaged in a business that uses more than ten average megawatts of electricity per month in a sodium chlorate electrolytic process to split the electrochemical bonds of sodium chloride and water to make sodium chlorate and hydrogen. A "sodium chlorate electrolytic processing business" does not include direct

service industrial customers or their subsidiaries that contract for the purchase of power from the Bonneville power administration as of June 10, 2004.

(2) Effective July 1, 2004, the tax levied under this chapter does not apply to sales of electricity made by a light and power business to a chlor-alkali electrolytic processing business or a sodium chlorate electrolytic processing business for the electrolytic process if the contract for sale of electricity to the business contains the following terms:

(a) The electricity to be used in the electrolytic process is separately metered from the electricity used for general operations of the business;

(b) The price charged for the electricity used in the electrolytic process will be reduced by an amount equal to the tax exemption available to the light and power business under this section; and

(c) Disallowance of all or part of the exemption under this section is a breach of contract and the damages to be paid by the chlor-alkali electrolytic processing business or the sodium chlorate electrolytic processing business are the amount of the tax exemption disallowed.

(3) The exemption provided for in this section does not apply to amounts received from the remarketing or resale of electricity originally obtained by contract for the electrolytic process.

(4) In order to claim an exemption under this section, the chlor-alkali electrolytic processing business or the sodium chlorate electrolytic processing business must provide the light and power business with an exemption certificate in a form and manner prescribed by the department.

(5) A person receiving the benefit of the exemption provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(6)(a) This section does not apply to sales of electricity made after December 31, ((~~2018~~)) 2028.

(b) This section expires ((~~June 30, 2019~~)) July 1, 2029.

Passed by the Senate March 5, 2018.
Passed by the House March 7, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 147

[Substitute Senate Bill 6055]

APPLE MAGGOT--OUTDOOR BURNING PILOT PROGRAM

AN ACT Relating to creating a pilot program for outdoor burning for cities or towns located partially inside a quarantine area for apple maggot; amending RCW 17.24.051; adding a new section to chapter 70.94 RCW; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 70.94 RCW to read as follows:

(1) A city or town that is located partially inside a quarantine area for apple maggot *(Rhagoletis pomonella)* established by the Washington state department of agriculture may apply for a permit pursuant to RCW 70.94.6528 for the

burning of brush and yard waste generated within the city or town, provided that the city or town satisfies the following requirements:

(a) Burning must be conducted by city or town employees, by contractors under the supervision of city or town employees, or by the city or town fire department or other local fire officials;

(b) Burning must be conducted under the supervision of the city or town fire department or other local fire officials and in consultation with the department of agriculture and the department of ecology or an air pollution control authority, as applicable;

(c) Burning must not be conducted more than four times per calendar year; and

(d) The city or town must issue a media advisory announcing any burning conducted under this section prior to engaging in any such burning.

(2) The department and the department of agriculture are directed to submit to the appropriate policy committees of the legislature no later than November 1, 2018, a report that addresses the available options for the processing and disposal of municipal yard waste generated in areas subject to the apple maggot quarantine, including:

(a) Techniques that neutralize any apple maggot larvae that may be contained within such yard waste;

(b) Identification of facilities that are capable of receiving such yard waste;

(c) Alternatives to outdoor burning, such as composting, chipping, biochar production, and biomass electrical generation; and

(d) A comparison of the costs of such alternatives.

(3) This section expires July 1, 2020.

Sec. 2. RCW 17.24.051 and 1991 c 257 s 9 are each amended to read as follows:

(1) The introduction into or release within the state of a plant pest, noxious weeds, bee pest, or any other organism that may directly or indirectly affect the plant life of the state as an injurious pest, parasite, predator, or other organism is prohibited, except under special permit issued by the department under rules adopted by the director. A special permit is not required for the introduction or release within the state of a genetically engineered plant or plant pest organism if the introduction or release has been approved under provisions of federal law and the department has been notified of the planned introduction or release. The department shall be the sole issuing agency for the permits. Except for research projects approved by the department, no permit for a biological control agent shall be issued unless the department has determined that the parasite, predator, or plant pathogen is target organism or plant specific and not likely to become a pest of nontarget plants or other beneficial organisms. The director may also exclude biological control agents that are infested with parasites determined to be detrimental to the biological control efforts of the state. The department may rely upon findings of the United States department of agriculture or any experts that the director may deem appropriate in making a determination about the threat posed by such organisms. In addition, the director may request confidential business information subject to the conditions in RCW 17.24.061.

(2) Plant pests, noxious weeds, or other organisms introduced into or released within this state in violation of this section shall be subject to detention and disposition as otherwise provided in this chapter.

(3) Upon the request of a city or town that is located partially inside a quarantine area for apple maggot established by the department, the department may issue a special transit permit for the limited purpose of transporting brush and yard waste or debris generated within the city or town through a pest free area to a destination located inside a quarantine area for apple maggot established by the department, subject to conditions and provisions which the director may prescribe to prevent introduction, escape, or spread of the quarantined pests.

Passed by the Senate March 7, 2018.
Passed by the House March 6, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 148

[Senate Bill 6207]

PORT DISTRICTS--POLLUTION CONTROL FACILITIES

AN ACT Relating to clarifying the authority of port districts to offer programs relating to air quality improvement equipment and fuel programs that provide emission reductions for engines, vehicles, and vessels; amending RCW 53.08.040; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) The legislature finds that clean fuels and vehicles protect public health by reducing toxic air and climate change emissions.

(2) The legislature also finds that to encourage clean fuels and vehicles, the state should develop policies and incentives that help businesses gain greater access to affordable clean fuels and vehicles. These policies and incentives should include incentives for replacement of the most polluting diesel engines, especially in trucks calling on the state's largest seaports.

(3) The legislature also finds that while the state, in 2007, sought to allow port districts to use tax revenue to support this type of equipment, the statute is confusing and further clarification is needed for port districts to avoid litigation and audit risk.

Sec. 2. RCW 53.08.040 and 2007 c 348 s 103 are each amended to read as follows:

(1) A district may improve its lands by dredging, filling, bulkheading, providing waterways or otherwise developing such lands for industrial and commercial purposes. A district may also acquire, construct, install, improve, and operate sewer and water utilities to serve its own property and other property owners under terms, conditions, and rates to be fixed and approved by the port commission. A district may also acquire, by purchase, construction, lease, or in any other manner, and may maintain and operate other facilities for the control or elimination of air, water, or other pollution, including, but not limited to, facilities for the treatment and/or disposal of industrial wastes, and may make such facilities available to others under terms, conditions and rates to be fixed and approved by the port commission.

(2) Such conditions and rates shall be sufficient to reimburse the port for all costs, including reasonable amortization of capital outlays caused by or incidental to providing such other pollution control facilities. ((~~However,~~))

(3) No part of such costs of providing any pollution control facility to others shall be paid out of any tax revenues of the port. ((~~and~~))

(4) No port shall enter into an agreement or contract to provide sewer and/or water utilities or pollution control facilities if substantially similar utilities or facilities are available from another source (or sources) which is able and willing to provide such utilities or facilities on a reasonable and nondiscriminatory basis unless such other source (or sources) consents thereto.

((~~(2)~~)) (5) In the event that a port elects to make such other pollution control facilities available to others, it shall do so by lease, lease purchase agreement, or other agreement binding such user to pay for the use of said facilities for the full term of the revenue bonds issued by the port for the acquisition of said facilities, and said payments shall at least fully reimburse the port for all principal and interest paid by it on said bonds and for all operating or other costs, if any, incurred by the port in connection with said facilities. However, where there is more than one user of any such facilities, each user shall be responsible for its pro rata share of such costs and payment of principal and interest. Any port intending to provide pollution control facilities to others shall first survey the port district to ascertain the potential users of such facilities and the extent of their needs. The port shall conduct a public hearing upon the proposal and shall give each potential user an opportunity to participate in the use of such facilities upon equal terms and conditions.

((~~(3)~~)) (6) "Pollution control facility," as used in this section and RCW 53.08.041, ((~~does not include air quality improvement equipment that provides emission reductions for engines, vehicles, and vessels~~)) includes programs and activities that are intended to reduce air pollution from vehicles used in cargo transport to, from, and within district facilities; and programs and activities that are intended to reduce air pollution from cargo vessels within the district. Use of district funds for these purposes are deemed a governmental and public function, exercised for a public purpose and as a public necessity for promoting cleaner air; provided however, the provisions of subsections (2), (3), (4), and (5) of this section relating to condition, rates, other providers, and cost recovery do not apply to this subsection's subset of port pollution control facilities.

Passed by the Senate February 9, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 149

[Engrossed Substitute Senate Bill 6329]

PORT DISTRICTS--CONTRACTING--UNIT PRICE CONTRACTS

AN ACT Relating to clarifying the authority and procedures for contracting by public port districts; amending RCW 53.08.120; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) The legislature finds that unit priced contracting is a decades old, proven practice used at ports for competitively bid maintenance and repair work that is common but unpredictable in its timing and scope. Unit priced contracting is an efficient mechanism to maintain essential services to port customers, often on short notice or in emergency situations.

(2) The legislature also finds that unit priced contracting ensures that necessary work is performed safely and at a competitive rate by qualified contractors, and also saves public money because of additional costs that would be incurred by bidding each work order separately.

(3) The legislature also finds that, in order to avoid litigation and audit risk, statutory clarification is needed regarding the authority for port districts to engage in unit priced contracting.

(4) The legislature also finds that flexibility for small projects produces a more efficient process.

Sec. 2. RCW 53.08.120 and 2009 c 74 s 2 are each amended to read as follows:

(1) All material and work required by a port district not meeting the definition of public work in RCW 39.04.010(4) may be procured in the open market or by contract and all work ordered may be done by contract or day labor.

(2)(a) All such contracts for work meeting the definition of "public work" in RCW 39.04.010(4), the estimated cost of which exceeds three hundred thousand dollars, shall be awarded using a competitive bid process. The contract must be awarded at public bidding upon notice published in a newspaper of general circulation in the district at least thirteen days before the last date upon which bids will be received, calling for bids upon the work, plans and specifications for which shall then be on file in the office of the commission for public inspection. The same notice may call for bids on such work or material based upon plans and specifications submitted by the bidder. The competitive bidding requirements for purchases or public works may be waived pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

(b) For all contracts related to work meeting the definition of "public work" in RCW 39.04.010(4) that are estimated at three hundred thousand dollars or less, a port district may let contracts using the small works roster process under RCW 39.04.155 in lieu of advertising for bids. Whenever possible, the managing official shall invite at least one proposal from a minority contractor who shall otherwise qualify under this section.

When awarding such a contract for work, when utilizing proposals from the small works roster, the managing official shall give weight to the contractor submitting the lowest and best proposal, and whenever it would not violate the public interest, such contracts shall be distributed equally among contractors, including minority contractors, on the small works roster.

(c) Any port district may construct any public work, as defined in RCW 39.04.010, by contract without calling for bids whenever the estimated cost of the work or improvement, including cost of materials, supplies, and equipment, will not exceed the sum of forty thousand dollars. A "public works project" means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid calling for bids. The port district managing official shall make his or her best effort to reach

out to qualified contractors, including certified minority and woman-owned contractors.

(3)(a) A port district may procure public works with a unit priced contract under this section or RCW 39.04.010(2) for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades.

(b) For the purposes of this section, unit priced contract means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of a port district, under which the contractor agrees to a fixed period indefinite quantity delivery of work, at a defined unit price, for each category of work.

(c) Unit priced contracts must be executed for an initial contract term not to exceed three years, with the port district having the option of extending or renewing the unit priced contract for one additional year.

(d) Invitations for unit priced bids shall include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the port district will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. Contracts must be awarded to the lowest responsible bidder as per RCW 39.04.010. Whenever possible, the port district must invite at least one proposal from a minority or woman contractor who otherwise qualifies under this section.

(e) Unit priced contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts shall have prevailing wage rates updated annually. Intents and affidavits for prevailing wages paid shall be submitted annually for all work completed within the previous twelve-month period of the unit priced contract.

Passed by the Senate March 6, 2018.
Passed by the House February 28, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 150

[Substitute Senate Bill 6334]
CHILD SUPPORT

AN ACT Relating to child support, but only including a parent's obligation to provide medical support, use of electronic funds transfers, notice of noncompliance, adoption of the economic table recommended by the child support work group, and references to the federal poverty level in self-support reserve limitations; amending RCW 26.09.105, 26.18.020, 26.18.170, 26.23.050, 26.26.165, 26.26.375, 74.20A.055, 74.20A.056, 74.20A.059, 74.20A.300, 74.20A.350, 26.19.020, and 26.19.065; adding a new section to chapter 26.23 RCW; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

PART I
HEALTH CARE COVERAGE

Sec. 101. RCW 26.09.105 and 2009 c 476 s 1 are each amended to read as follows:

(1) Whenever a child support order is entered or modified under this chapter, the court shall require both parents to provide medical support for any child named in the order as provided in this section.

(a) The child support order must include an obligation to provide health care coverage that is both accessible to all children named in the order and available at reasonable cost to the obligated parent.

(b) The court must allocate the cost of health care coverage between the parents.

(2) Medical support consists of:

(((~~(i)~~))) (a) Health ((~~insurance~~)) care coverage, which may consist of health insurance coverage or public health care coverage; and

(((~~(ii) Cash medical support.~~)))

(b) Cash medical support, which consists of:

(i) A parent's monthly payment toward the premium paid for coverage provided by ((~~either the other parent or the state~~)) a public entity or by another parent, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and

(ii) A parent's proportionate share of uninsured medical expenses.

(((~~(c)~~))) (3) The parents share the obligation to provide medical support for the child or children specified in the order, by providing health care coverage or contributing a cash medical support obligation when appropriate, and paying a proportionate share of any uninsured medical expenses.

(4) Under appropriate circumstances, the court may excuse one parent from the responsibility to provide health ((~~insurance~~)) care coverage or the monthly payment toward the premium. The child's receipt of public health care coverage may not be the sole basis for excusing a parent from providing health insurance coverage through an employer or union.

(((~~(d) The court shall always require both parents to contribute their proportionate share of uninsured medical expenses.~~

~~(2) Both parents share the obligation to provide medical support for the child or children specified in the order, by providing health insurance coverage or contributing a cash medical support obligation when appropriate, and paying a proportionate share of any uninsured medical expenses.~~

~~(3)~~))) (5)(a) The court may specify how medical support must be provided by each parent under subsection (((~~(4)~~))) (6) of this section.

(b) If the court does not specify how medical support will be provided or if neither parent provides proof that he or she is providing health ((~~insurance~~)) care coverage for the child at the time the support order is entered, the division of child support or either parent may enforce a parent's obligation to provide medical support under RCW 26.18.170.

(((~~(4)~~))) (6)(a) If there is sufficient evidence provided at the time the order is entered, the court may make a determination of which parent must provide health care coverage and which parent must contribute a sum certain amount as his or her monthly payment toward the premium.

(b) If both parents have available health insurance coverage or health care coverage that is accessible to the child at the time the support order is entered, the court has discretion to order the parent with better coverage to provide the ((~~health insurance~~)) coverage for the child and the other parent to pay a monthly

payment toward the premium. In making the determination of which coverage is better, the court shall consider the needs of the child, the cost and extent of each parent's coverage, and the accessibility of the coverage.

(c) Each parent shall ((~~remain~~)) be responsible for his or her proportionate share of uninsured medical expenses.

(((~~(5)~~))) (7) The order must provide that if the parties' circumstances change, the parties' medical support obligations will be enforced as provided in RCW 26.18.170.

(((~~(6)~~))) (8) A parent who is ordered to maintain or provide health ((~~insurance~~)) care coverage may comply with that requirement by:

(a) Providing proof of accessible ((~~private insurance~~)) health care coverage for any child named in the order; or

(b) Providing coverage that can be extended to cover the child that is available to that parent through employment or that is union-related, if the cost of such coverage does not exceed twenty-five percent of that parent's basic child support obligation.

(((~~(7)~~))) (9) The order must provide that, while an obligated parent may satisfy his or her health care coverage obligation by enrolling the child in public health care coverage, that parent is also required to provide accessible health insurance coverage for the child if it is available at no cost through the parent's employer or union.

(10) The order must provide that the fact that one parent enrolled the child in public health care coverage does not satisfy the other parent's health care coverage obligation unless the support order provides otherwise. A parent may satisfy the obligation to provide health care coverage by:

(a) First enrolling the child in available and accessible health insurance coverage through the parent's employer or union if such coverage is available for no more than twenty-five percent of the parent's basic support obligation; or

(b) If there is no accessible health insurance coverage for the child available through the parent's employer or union, contributing a proportionate share of any premium paid by the other parent or the state for public health care coverage for the child.

(11) The court may order a parent to provide health ((~~insurance~~)) care coverage that exceeds twenty-five percent of that parent's basic support obligation if it is in the best interests of the child to provide coverage.

(((~~(8) If the child receives state financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment, the obligated parent shall pay a monthly payment toward the premium.~~

~~(9)~~))) (12) Each parent is responsible for his or her proportionate share of uninsured medical expenses for the child or children covered by the support order.

(((~~(10)~~))) (13) The parents must maintain health ((~~insurance~~)) care coverage as required under this section until:

(a) Further order of the court;

(b) The child is emancipated, if there is no express language to the contrary in the order; or

(c) Health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.

((~~(11)~~)) (14) A parent who is required to extend health insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.

((~~(12) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health care costs, or insurance premiums which are in addition to and not inconsistent with this section.~~

~~(13)~~)) (15) A parent ordered to provide health ((~~insurance~~)) care coverage must provide proof of such coverage or proof that such coverage is unavailable within twenty days of the entry of the order to:

(a) The other parent; or

(b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.

((~~(14)~~)) (16) Every order requiring a parent to provide health care or insurance coverage must be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

((~~(15)~~)) (17) When a parent is providing health insurance or health care coverage at the time the order is entered, the premium shall be included in the worksheets for the calculation of child support under chapter 26.19 RCW.

((~~(16)~~)) (18) As used in this section:

(a) "Accessible" means health ((~~insurance~~)) care coverage which provides primary care services to the child or children with reasonable effort by the custodian.

(b) "Cash medical support" means a combination of: (i) A parent's monthly payment toward the premium paid for coverage provided by ((~~either the other~~)) a public entity or by another parent ((~~or the state~~)), which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and (ii) a parent's proportionate share of uninsured medical expenses.

(c) ((~~"Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.~~

~~(d)~~)) "Uninsured medical expenses" includes premiums, copays, deductibles, along with other health care costs not covered by ((~~insurance~~)) health care coverage.

((~~(e)~~)) (d) "Obligated parent" means a parent ordered to provide health insurance coverage for the children.

((~~(f)~~)) (e) "Proportionate share" means an amount equal to a parent's percentage share of the combined monthly net income of both parents as computed when determining a parent's child support obligation under chapter 26.19 RCW.

((~~(g)~~)) (f) "Monthly payment toward the premium" means a parent's contribution toward premiums paid for coverage provided by a public entity or by ((~~the other~~)) another parent ((~~or the state for insurance coverage for the child~~)), which is based on the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation.

(((~~(17)~~))) (g) "Premium" means the amount paid for coverage provided by a public entity or by another parent for a child covered by the order. This term may also mean "cost of coverage."

(19) This section does not limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health care costs, or insurance premiums which are in addition to and not inconsistent with this section.

(20) The department of social and health services has rule-making authority to enact rules in compliance with 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 102. RCW 26.18.020 and 2008 c 6 s 1027 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Dependent child" means any child for whom a support order has been established or for whom a duty of support is owed.

(2) "Duty of maintenance" means the duty to provide for the needs of a spouse or former spouse or domestic partner or former domestic partner imposed under chapter 26.09 RCW.

(3) "Duty of support" means the duty to provide for the needs of a dependent child, which may include necessary food, clothing, shelter, education, and health care. The duty includes any obligation to make monetary payments, to pay expenses, including maintenance in cases in which there is a dependent child, or to reimburse another person or an agency for the cost of necessary support furnished a dependent child. The duty may be imposed by court order, by operation of law, or otherwise.

(4) "Obligee" means the custodian of a dependent child, the spouse or former spouse or domestic partner or former domestic partner, or person or agency, to whom a duty of support or duty of maintenance is owed, or the person or agency to whom the right to receive or collect support or maintenance has been assigned.

(5) "Obligor" means the person owing a duty of support or duty of maintenance.

(6) "Support or maintenance order" means any judgment, decree, or order of support or maintenance issued by the superior court or authorized agency of the state of Washington; or a judgment, decree, or other order of support or maintenance issued by a court or agency of competent jurisdiction in another state or country, which has been registered or otherwise made enforceable in this state.

(7) "Employer" includes the United States government, a state or local unit of government, and any person or entity who pays or owes earnings or remuneration for employment to the obligor.

(8) "Earnings" means compensation paid or payable for personal services or remuneration for employment, whether denominated as wages, salary, commission, bonus, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy support or maintenance obligations, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(9) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld.

(10) "Department" means the department of social and health services.

(11) "Health insurance coverage" is another term for, and included in the definition of, "health care coverage." Health insurance coverage includes any coverage under which medical services are provided by an employer or a union whether that coverage is provided through a self-insurance program, under the employee retirement income security act of 1974, a commercial insurer pursuant to chapters 48.20 and 48.21 RCW, a health care service contractor pursuant to chapter 48.44 RCW, or a health maintenance organization pursuant to chapter 48.46 RCW, and the state through chapter 41.05 RCW.

(12) "Insurer" means a commercial insurance company providing disability insurance under chapter 48.20 or 48.21 RCW, a health care service contractor providing health care coverage under chapter 48.44 RCW, a health maintenance organization providing comprehensive health care services under chapter 48.46 RCW, and shall also include any employer or union which is providing health insurance coverage on a self-insured basis.

(13) "Remuneration for employment" means moneys due from or payable by the United States to an individual within the scope of 42 U.S.C. Sec. 659 and 42 U.S.C. Sec. 662(f).

(14) "Health care coverage" means fee for service, health maintenance organization, preferred provider organization, and other types of private health insurance and public health care coverage under which medical services could be provided to a dependent child or children. The term "health care coverage" includes, but is not limited to, health insurance coverage.

(15) "Public health care coverage," sometimes called "state purchased health care," means state-financed or federally financed medical coverage, whether or not there is an assignment of rights. For children residing in Washington state, this includes coverage through the department of social and health services or the health care authority, except for coverage under chapter 41.05 RCW; for children residing outside of Washington, this includes coverage through another state's agencies that administer state purchased health care programs.

Sec. 103. RCW 26.18.170 and 2009 c 476 s 2 are each amended to read as follows:

(1) Whenever a parent has been ordered to provide medical support for a dependent child, the department or the other parent may seek enforcement of the medical support as provided under this section.

(a) If the obligated parent provides proof that he or she provides accessible health care coverage for the child ((~~through private insurance~~)), that parent has satisfied his or her obligation to provide health ((~~insurance~~)) care coverage.

(b) If the obligated parent does not provide proof of coverage, either the department or the other parent may take appropriate action as provided in this section to enforce the obligation.

(2) An obligated parent may satisfy his or her health care coverage obligation by enrolling the child in public health care coverage, but that parent is also required to provide accessible health insurance coverage for the child if it is available at no cost through the parent's employer or union.

(3) The fact that one parent enrolled the child in public health care coverage does not satisfy the other parent's health care coverage obligation unless the support order provides otherwise. A parent may satisfy the obligation to provide health care coverage by:

(a) First enrolling the child in available and accessible health insurance coverage through the parent's employer or union if such coverage is available for no more than twenty-five percent of the parent's basic support obligation;

(b) If there is no accessible health insurance coverage for the child available through the parent's employer or union, contributing a proportionate share of any premium paid by the other parent or the state for public health care coverage for the child.

(4) The department may attempt to enforce a parent's obligation to provide health insurance coverage for the dependent child. If health insurance coverage is not available through the parent's employment or union at a cost not to exceed twenty-five percent of the parent's basic support obligation, or as otherwise provided in the support order, the department may enforce any monthly payment toward the premium ordered to be provided under RCW 26.09.105 or 74.20A.300.

((~~(3)~~)) (5) A parent seeking to enforce another parent's monthly payment toward the premium under RCW 26.09.105 may:

(a) Apply for support enforcement services from the division of child support as provided by rule; or

(b) Take action on his or her own behalf by:

(i) Filing a motion in the underlying superior court action; or

(ii) Initiating an action in superior court to determine the amount owed by the obligated parent, if there is not already an underlying superior court action.

((~~(4)~~)) (6)(a) The department may serve a notice of support owed under RCW 26.23.110 on a parent to determine the amount of that parent's monthly payment toward the premium.

(b) Whether or not the child receives temporary assistance for needy families or medicaid, the department may enforce the responsible parent's monthly payment toward the premium. When the child receives ((~~state-financed medical~~)) public health care coverage ((~~through the department under chapter 74.09 RCW~~)) for which there is an assignment, the department may disburse amounts collected to the custodial parent to be used for the medical costs of the child or the department may retain amounts collected and apply them toward the cost of providing the child's state-financed medical coverage. The department may disregard monthly payments toward the premium which are passed through to the family in accordance with federal law.

((~~(5)~~)) (7)(a) If the order to provide health insurance coverage contains language notifying the parent ordered to provide coverage that failure to provide such coverage or proof that such coverage is unavailable may result in direct enforcement of the order and orders payments through, or has been submitted to, the Washington state support registry for enforcement, then the department may, without further notice to the parent, send a national medical support notice pursuant to 42 U.S.C. Sec. 666(a)(19), and sections 401 (e) and (f) of the federal child support and performance incentive act of 1998 to the parent's employer or union. The notice shall be served:

(i) By regular mail;

(ii) In the manner prescribed for the service of a summons in a civil action;

(iii) By certified mail, return receipt requested; or

(iv) By electronic means if there is an agreement between the secretary of the department and the person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States to accept service by electronic means.

(b) The notice shall require the employer or union to enroll the child in the health insurance plan as provided in subsection (((~~(8)~~))) (10) of this section.

(c) The returned part A of the national medical support notice to the division of child support by the employer constitutes proof of service of the notice in the case where the notice was served by regular mail.

(((~~(6)~~))) (8) Upon receipt of a national medical support notice from a child support agency operating under Title IV-D of the federal social security act:

(a) The parent's employer or union shall comply with the provisions of the notice, including meeting response time frames and withholding requirements required under part A of the notice;

(b) The parent's employer or union shall also be responsible for complying with forwarding part B of the notice to the child's plan administrator, if required by the notice;

(c) The plan administrator is responsible for complying with the provisions of the notice.

(((~~(7)~~))) (9) If the parent's order to provide health insurance coverage does not order payments through, and has not been submitted to, the Washington state support registry for enforcement:

(a) The parent seeking enforcement may, without further notice to the obligated parent, send a certified copy of the order requiring health insurance coverage to the parent's employer or union by certified mail, return receipt requested; and

(b) The parent seeking enforcement shall attach a notarized statement to the order declaring that the order is the latest order addressing coverage entered by the court and require the employer or union to enroll the child in the health insurance plan as provided in subsection (((~~(8)~~))) (10) of this section.

(((~~(8)~~))) (10) Upon receipt of an order that provides for health insurance coverage:

(a) The parent's employer or union shall answer the party who sent the order within twenty days and confirm that the child:

(i) Has been enrolled in the health insurance plan;

(ii) Will be enrolled; or

(iii) Cannot be covered, stating the reasons why such coverage cannot be provided;

(b) The employer or union shall withhold any required premium from the parent's income or wages;

(c) If more than one plan is offered by the employer or union, and each plan may be extended to cover the child, then the child shall be enrolled in the parent's plan. If the parent's plan does not provide coverage which is accessible to the child, the child shall be enrolled in the least expensive plan otherwise available to the parent;

(d) The employer or union shall provide information about the name of the health insurance coverage provider or issuer and the extent of coverage available

to the parent and shall make available any necessary claim forms or enrollment membership cards.

(((~~(9)~~))) (11) If the order for coverage contains no language notifying either or both parents that failure to provide health insurance coverage or proof that such coverage is unavailable may result in direct enforcement of the order, the department or the parent seeking enforcement may serve a written notice of intent to enforce the order on the obligated parent by certified mail, return receipt requested, or by personal service. If the parent required to provide medical support fails to provide written proof that such coverage has been obtained or applied for or fails to provide proof that such coverage is unavailable within twenty days of service of the notice, the department or the parent seeking enforcement may proceed to enforce the order directly as provided in subsection (((~~(5)~~))) (7) of this section.

(((~~(10)~~))) (12) If the parent ordered to provide health insurance coverage elects to provide coverage that will not be accessible to the child because of geographic or other limitations when accessible coverage is otherwise available, the department or the parent seeking enforcement may serve a written notice of intent to purchase health insurance coverage on the obligated parent by certified mail, return receipt requested. The notice shall also specify the type and cost of coverage.

(((~~(11)~~))) (13) If the department serves a notice under subsection (((~~(10)~~))) (12) of this section the parent required to provide medical support shall, within twenty days of the date of service:

(a) File an application for an adjudicative proceeding; or

(b) Provide written proof to the department that the obligated parent has either applied for, or obtained, coverage accessible to the child.

(((~~(12)~~))) (14) If the parent seeking enforcement serves a notice under subsection (((~~(10)~~))) (12) of this section, within twenty days of the date of service the parent required to provide medical support shall provide written proof to the parent seeking enforcement that he or she has either applied for, or obtained, coverage accessible to the child.

(((~~(13)~~))) (15) If the parent required to provide medical support fails to respond to a notice served under subsection (((~~(10)~~))) (12) of this section to the party who served the notice, the party who served the notice may purchase the health insurance coverage specified in the notice directly.

(a) If the obligated parent is the responsible parent, the amount of the monthly premium shall be added to the support debt and be collectible without further notice.

(b) If the obligated parent is the custodial parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

(c) The amount of the monthly premium may be collected or accrued until the parent required to provide medical support provides proof of the required coverage.

(((~~(14)~~))) (16) The signature of the parent seeking enforcement or of a department employee shall be a valid authorization to the coverage provider or issuer for purposes of processing a payment to the child's health services provider. An order for health insurance coverage shall operate as an assignment of all benefit rights to the parent seeking enforcement or to the child's health

services provider, and in any claim against the coverage provider or issuer, the parent seeking enforcement or his or her assignee shall be subrogated to the rights of the parent obligated to provide medical support for the child. Notwithstanding the provisions of this section regarding assignment of benefits, this section shall not require a health care service contractor authorized under chapter 48.44 RCW or a health maintenance organization authorized under chapter 48.46 RCW to deviate from their contractual provisions and restrictions regarding reimbursement for covered services. If the coverage is terminated, the employer shall mail a notice of termination to the department or the parent seeking enforcement at that parent's last known address within thirty days of the termination date.

(((~~(15)~~))) (17) This section shall not be construed to limit the right of the parents or parties to the support order to bring an action in superior court at any time to enforce, modify, or clarify the original support order.

(((~~(16)~~))) (18) Where a child does not reside in the issuer's service area, an issuer shall cover no less than urgent and emergent care. Where the issuer offers broader coverage, whether by policy or reciprocal agreement, the issuer shall provide such coverage to any child otherwise covered that does not reside in the issuer's service area.

(((~~(17)~~))) (19) If a parent required to provide medical support fails to pay his or her portion, determined under RCW 26.19.080, of any premium, deductible, copay, or uninsured medical expense incurred on behalf of the child, pursuant to a child support order, the department or the parent seeking reimbursement of medical expenses may enforce collection of the obligated parent's portion of the premium, deductible, copay, or uninsured medical expense incurred on behalf of the child.

(a) If the department is enforcing the order and the responsible parent is the obligated parent, the obligated parent's portion of the premium, deductible, copay, or uninsured medical expenses incurred on behalf of the child added to the support debt and be collectible without further notice, following the reduction of the expenses to a sum certain either in a court order or by the department, pursuant to RCW 26.23.110.

(b) If the custodial parent is the obligated parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

(((~~(18)~~))) (20) As used in this section:

(a) "Accessible" means health insurance coverage which provides primary care services to the child or children with reasonable effort by the custodian.

(b) "Cash medical support" means a combination of: (i) A parent's monthly payment toward the premium paid for coverage by either the other parent or the state, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and (ii) a parent's proportionate share of uninsured medical expenses.

(c) ((~~"Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.~~

~~(d)~~))) "Uninsured medical expenses" includes premiums, copays, deductibles, along with other health care costs not covered by insurance.

(((~~(e)~~))) (d) "Obligated parent" means a parent ordered to provide health insurance coverage for the children.

((~~(f)~~)) (e) "Monthly payment toward the premium" means a parent's contribution toward premiums paid by the other parent or the state for insurance coverage for the child, which is based on the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation.

((~~(19)~~)) (21) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 104. RCW 26.23.050 and 2009 c 476 s 4 are each amended to read as follows:

(1) If the division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the responsible parent to make all support payments to the Washington state support registry;

(b) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) A statement that the receiving parent might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child;

(d) A statement that any parent required to provide health ((~~insurance~~)) care coverage for the child or children covered by the order must notify the division of child support and the other parent when the coverage terminates; and

(e) A statement that the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320.

As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the responsible parent to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:

(i) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(ii) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child;

(iii) A statement that any parent required to provide health ((~~insurance~~)) care coverage for the child or children covered by the order must notify the division of child support and the other parent when the coverage terminates; and

(iv) A statement that a parent seeking to enforce the obligation to provide health ((~~insurance~~)) care coverage may:

(A) File a motion in the underlying superior court action; or

(B) If there is not already an underlying superior court action, initiate an action in the superior court.

As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:

(i) Immediate income withholding may be ordered if the responsible parent has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The parent entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent, after a payment is past due.

(c) If a mandatory wage withholding order under chapter 26.18 RCW is issued under this subsection and the division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the division of child support's subsequent service of an income withholding notice.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that the responsible

parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320. All administrative orders shall also state that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the responsible parent at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that a parent's licensing privileges may not be renewed, or may be suspended, the division of child support may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) The address where the support payment is to be sent;

(b) That withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of a support order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The names and ages of the dependent children;

(g) A provision requiring both the responsible parent and the custodial parent to keep the Washington state support registry informed of whether he or she has access to health ((~~insurance~~)) care coverage at reasonable cost and, if so, the health ((~~insurance policy~~)) care coverage information;

(h) That either or both the responsible parent and the custodial parent shall be obligated to provide medical support for his or her child through health ((~~insurance~~)) care coverage if:

(i) The obligated parent provides accessible coverage for the child through private ((~~insurance~~)) or public health care coverage; or

(ii) Coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related; or

(iii) In the absence of such coverage, through an additional sum certain amount, as that parent's monthly payment toward the premium as provided under RCW 26.09.105;

(i) That a parent providing health ((~~insurance~~)) care coverage must notify both the division of child support and the other parent when coverage terminates;

(j) That if proof of health ((~~insurance~~)) care coverage or proof that the coverage is unavailable is not provided within twenty days, the parent seeking enforcement or the department may seek direct enforcement of the coverage through the employer or union of the parent required to provide medical support without further notice to the parent as provided under chapter 26.18 RCW;

(k) The reasons for not ordering health ((~~insurance~~)) care coverage if the order fails to require such coverage;

(l) That the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320;

(m) That each parent must:

(i) Promptly file with the court and update as necessary the confidential information form required by subsection (7) of this section; and

(ii) Provide the state case registry and update as necessary the information required by subsection (7) of this section; and

(n) That parties to administrative support orders shall provide to the state case registry and update as necessary their residential addresses and the address of the responsible parent's employer. The division of child support may adopt rules that govern the collection of parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, the names of the children, social security numbers of the children, dates of birth of the children, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers to enforce an administrative support order. The division of child support shall not release this information if the division of child support determines that there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining order or protective order is in effect to protect one party from the other party.

(6) After the responsible parent has been ordered or notified to make payments to the Washington state support registry under this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

(7) All petitioners and parties to all court actions under chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26, and 26.27 RCW shall complete to the best of their knowledge a verified and signed confidential information form or equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers. The clerk of the court shall not accept petitions, except in parentage

actions initiated by the state, orders of child support, decrees of dissolution, or paternity orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or paternity order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated paternity actions, the parties adjudicated the parents of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge.

(8) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 105. RCW 26.26.165 and 1994 c 230 s 17 are each amended to read as follows:

(1) In entering or modifying a support order under this chapter, the court shall require either or both parents to maintain or provide health ((~~insurance~~)) care coverage for any dependent child as provided under RCW 26.09.105.

(2) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health costs, or insurance premiums which are in addition to and not inconsistent with this section. ((~~"Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.~~))

(3) A parent ordered to provide health ((~~insurance~~)) care coverage shall provide proof of such coverage or proof that such coverage is unavailable within twenty days of the entry of the order to:

(a) The physical custodian; or

(b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.

(4) Every order requiring a parent to provide health ((~~insurance~~)) care coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

Sec. 106. RCW 26.26.375 and 2011 c 283 s 20 are each amended to read as follows:

(1) After the period for rescission of an acknowledgment of paternity provided in RCW 26.26.330 has passed, a parent executing an acknowledgment of paternity of the child named therein may commence a judicial proceeding for:

(a) Making residential provisions or a parenting plan with regard to the minor child on the same basis as provided in chapter 26.09 RCW; or

(b) Establishing a child support obligation under chapter 26.19 RCW and maintaining health ((~~insurance~~)) care coverage under RCW 26.09.105.

(2) Pursuant to RCW 26.09.010(3), a proceeding authorized by this section shall be titled "In re the parenting and support of...."

(3) Before the period for a challenge to the acknowledgment or denial of paternity has elapsed under RCW 26.26.335, the petitioner must specifically allege under penalty of perjury, to the best of the petitioner's knowledge, that: (a) No man other than the man who executed the acknowledgment of paternity is the father of the child; (b) there is not currently pending a proceeding to adjudicate the parentage of the child or that another man is adjudicated the child's father; and (c) the petitioner has provided notice of the proceeding to any other men who have claimed parentage of the child. Should the respondent or any other person appearing in the action deny the allegations, a permanent parenting plan or residential schedule may not be entered for the child without the matter being converted to a proceeding to challenge the acknowledgment of paternity under RCW 26.26.335 and 26.26.340. A copy of the acknowledgment of paternity or the birth certificate issued by the state in which the child was born must be filed with the petition or response. The court may convert the matter to a proceeding to challenge the acknowledgment on its own motion.

Sec. 107. RCW 74.20A.055 and 2009 c 476 s 7 are each amended to read as follows:

(1) The secretary may, if there is no order that establishes the responsible parent's support obligation or specifically relieves the responsible parent of a support obligation or pursuant to an establishment of paternity under chapter 26.26 RCW, serve on the responsible parent or parents and custodial parent a notice and finding of financial responsibility requiring the parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future. The hearing shall be held pursuant to this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department. A custodian who has physical custody of a child has the same rights that a custodial parent has under this section.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. The notice may be served upon the custodial parent who is the nonassistance applicant or public assistance recipient by first-class mail to the last known address. If the custodial parent is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent.

(3) The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future. The notice and finding shall also include:

(a) A statement of the name of the custodial parent and the name of the child or children for whom support is sought;

(b) A statement of the amount of periodic future support payments as to which financial responsibility is alleged;

(c) A statement that the responsible parent or custodial parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why the terms set forth in the notice should not be ordered;

(d) A statement that, if neither the responsible parent nor the custodial parent files in a timely fashion an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt and amounts due under the notice shall be subject to collection action;

(e) A statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, order to withhold and deliver, notice of payroll deduction or other collection action to satisfy the debt and enforce the support obligation established under the notice;

(f) A statement that ((~~either~~)) one or both parents are responsible for either:

(i) Providing health ((~~insurance~~)) care coverage for ((~~his or her~~)) the child if accessible coverage that can ((~~be extended to~~)) cover the child ((~~either~~));

(A) Is available through ((~~private~~)) health insurance ((~~which is accessible to the child or through coverage that~~)) or public health care coverage; or

(B) Is or becomes available to the parent through that parent's employment or ((~~is union-related,~~)) union; or ((~~for~~))

(ii) Paying a monthly payment toward the premium if no such coverage is available, as provided under RCW 26.09.105.

(4) A responsible parent or custodial parent who objects to the notice and finding of financial responsibility may file an application for an adjudicative proceeding within twenty days of the date of service of the notice or thereafter as provided under this subsection.

(a) If the responsible parent or custodial parent files the application within twenty days, the office of administrative hearings shall schedule an adjudicative proceeding to hear the parent's or parents' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application stays collection action pending the entry of a final administrative order;

(b) If both the responsible parent and the custodial parent fail to file an application within twenty days, the notice and finding shall become a final administrative order. The amounts for current and future support and the support debt stated in the notice are final and subject to collection, except as provided under (c) and (d) of this subsection;

(c) If the responsible parent or custodial parent files the application more than twenty days after, but within one year of the date of service, the office of

administrative hearings shall schedule an adjudicative proceeding to hear the parent's or parents' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action;

(d) If the responsible parent or custodial parent files the application more than one year after the date of service, the office of administrative hearings shall schedule an adjudicative proceeding at which the parent who requested the late hearing must show good cause for failure to file a timely application. The filing of the application does not stay future collection action and does not affect prior collection action:

(i) If the presiding officer finds that good cause exists, the presiding officer shall proceed to hear the parent's objection to the notice and determine the support obligation;

(ii) If the presiding officer finds that good cause does not exist, the presiding officer shall treat the application as a petition for prospective modification of the amount for current and future support established under the notice and finding. In the modification proceeding, the presiding officer shall set current and future support under chapter 26.19 RCW. The petitioning parent need show neither good cause nor a substantial change of circumstances to justify modification of current and future support;

(e) If the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard, the division of child support may file an application for adjudicative proceeding more than twenty days after the date of service of the notice. The office of administrative hearings shall schedule an adjudicative proceeding and provide notice of the hearing to the responsible parent and the custodial parent. The presiding officer shall determine the support obligation for the entire period covered by the notice, based upon credible evidence presented by the division of child support, the responsible parent, or the custodial parent, or may determine that the support obligation set forth in the notice is correct. The division of child support demonstrates good cause by showing that the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard. The filing of the application by the division of child support does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action.

(f) The department shall retain and/or shall not refund support money collected more than twenty days after the date of service of the notice. Money withheld as the result of collection action shall be delivered to the department. The department shall distribute such money, as provided in published rules.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule in making these determinations, the presiding or reviewing officer shall apply the standards contained in the child support schedule and enter written findings of fact supporting the deviation.

(6) If either the responsible parent or the custodial parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an order of default against each party who did not appear and may enter an administrative order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. The parties who appear may enter an agreed settlement or consent order, which may be different than the terms of the department's notice. Any party who appears may choose to proceed to the hearing, after the conclusion of which the presiding officer or reviewing officer may enter an order that is different than the terms stated in the notice, if the obligation is supported by credible evidence presented by any party at the hearing.

(7) The final administrative order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order.

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

(9) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 108. RCW 74.20A.056 and 2009 c 476 s 8 are each amended to read as follows:

(1) If an alleged father has signed an affidavit acknowledging paternity which has been filed with the state registrar of vital statistics before July 1, 1997, the division of child support may serve a notice and finding of parental responsibility on him and the custodial parent. Procedures for and responsibility resulting from acknowledgments filed after July 1, 1997, are in subsections (8) and (9) of this section. Service of the notice shall be in the same manner as a summons in a civil action or by certified mail, return receipt requested, on the alleged father. The custodial parent shall be served by first-class mail to the last known address. If the custodial parent is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent. The notice shall have attached to it a copy of the affidavit or certification of birth record information advising of the existence of a filed affidavit, provided by the state registrar of vital statistics, and shall state that:

(a) Either or both parents are responsible for providing health ((~~insurance~~)) care coverage for their child either through ((~~private~~)) health insurance or public health care coverage, which is accessible to the child, or through coverage that if coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related, or for paying a monthly payment toward the premium if no such coverage is available, as provided under RCW 26.09.105;

(b) The alleged father or custodial parent may file an application for an adjudicative proceeding at which they both will be required to appear and show

cause why the amount stated in the notice as to support is incorrect and should not be ordered;

(c) An alleged father or mother, if she is also the custodial parent, may request that a blood or genetic test be administered to determine whether such test would exclude him from being a natural parent and, if not excluded, may subsequently request that the division of child support initiate an action in superior court to determine the existence of the parent-child relationship; and

(d) If neither the alleged father nor the custodial parent requests that a blood or genetic test be administered or files an application for an adjudicative proceeding, the amount of support stated in the notice and finding of parental responsibility shall become final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the parent-child relationship does not exist.

(2) An alleged father or custodial parent who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt, the amount of the current and future support obligation, and the reimbursement of the costs of blood or genetic tests if advanced by the department. A custodian who is not the parent of a child and who has physical custody of a child has the same notice and hearing rights that a custodial parent has under this section.

(3) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department. If no application is filed within twenty days:

(a) The amounts in the notice shall become final and the debt created therein shall be subject to collection action; and

(b) Any amounts so collected shall neither be refunded nor returned if the alleged father is later found not to be a responsible parent.

(4) An alleged father or the mother, if she is also the custodial parent, may request that a blood or genetic test be administered at any time. The request for testing shall be in writing, or as the department may specify by rule, and served on the division of child support. If a request for testing is made, the department shall arrange for the test and, pursuant to rules adopted by the department, may advance the cost of such testing. The department shall mail a copy of the test results by certified mail, return receipt requested, to the alleged father's and mother's, if she is also the custodial parent, last known address.

(5) If the test excludes the alleged father from being a natural parent, the division of child support shall file a copy of the results with the state registrar of vital statistics and shall dismiss any pending administrative collection proceedings based upon the affidavit in issue. The state registrar of vital statistics shall remove the alleged father's name from the birth certificate and change the child's surname to be the same as the mother's maiden name as stated on the birth certificate, or any other name which the mother may select.

(6) The alleged father or mother, if she is also the custodial parent, may, within twenty days after the date of receipt of the test results, request the division

of child support to initiate an action under RCW 26.26.500 through 26.26.630 to determine the existence of the parent-child relationship. If the division of child support initiates a superior court action at the request of the alleged father or mother and the decision of the court is that the alleged father is a natural parent, the parent who requested the test shall be liable for court costs incurred.

(7) If the alleged father or mother, if she is also the custodial parent, does not request the division of child support to initiate a superior court action, or fails to appear and cooperate with blood or genetic testing, the notice of parental responsibility shall become final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(8)(a) Subsections (1) through (7) of this section do not apply to acknowledgments of paternity filed with the state registrar of vital statistics after July 1, 1997.

(b) If an acknowledged father has signed an acknowledgment of paternity that has been filed with the state registrar of vital statistics after July 1, 1997:

(i) The division of child support may serve a notice and finding of financial responsibility under RCW 74.20A.055 based on the acknowledgment. The division of child support shall attach a copy of the acknowledgment or certification of the birth record information advising of the existence of a filed acknowledgment of paternity to the notice;

(ii) The notice shall include a statement that the acknowledged father or any other signatory may commence a proceeding in court to rescind or challenge the acknowledgment or denial of paternity under RCW 26.26.330 and 26.26.335;

(iii) A statement that either or both parents are responsible for providing health ((~~insurance~~)) care coverage for ((~~his or her~~)) the child if accessible coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related as provided under RCW 26.09.105; and

(iv) The party commencing the action to rescind or challenge the acknowledgment or denial must serve notice on the division of child support and the office of the prosecuting attorney in the county in which the proceeding is commenced. Commencement of a proceeding to rescind or challenge the acknowledgment or denial stays the establishment of the notice and finding of financial responsibility, if the notice has not yet become a final order.

(c) If neither the acknowledged father nor the other party to the notice files an application for an adjudicative proceeding or the signatories to the acknowledgment or denial do not commence a proceeding to rescind or challenge the acknowledgment of paternity, the amount of support stated in the notice and finding of financial responsibility becomes final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the parent-child relationship does not exist. The division of child support does not refund nor return any amounts collected under a notice that becomes final under this section or RCW 74.20A.055, even if a court later determines that the acknowledgment is void.

(d) An acknowledged father or other party to the notice who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of

service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt and the amount of the current and future support obligation.

(i) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department.

(ii) If the application for an adjudicative proceeding is not filed within twenty days of the service of the notice, any amounts collected under the notice shall be neither refunded nor returned if the alleged father is later found not to be a responsible parent.

(e) If neither the acknowledged father nor the custodial parent requests an adjudicative proceeding, or if no timely action is brought to rescind or challenge the acknowledgment or denial after service of the notice, the notice of financial responsibility becomes final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(9) Acknowledgments of paternity that are filed after July 1, 1997, are subject to requirements of chapters 26.26, the uniform parentage act, and 70.58 RCW.

(10) The department and the department of health may adopt rules to implement the requirements under this section.

(11) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 109. RCW 74.20A.059 and 2009 c 476 s 9 are each amended to read as follows:

(1) The department, the physical custodian, or the responsible parent may petition for a prospective modification of a final administrative order if:

(a) The administrative order has not been superseded by a superior court order; and

(b) There has been a substantial change of circumstances, except as provided under RCW 74.20A.055(4)(d).

(2) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child; or

(b) If a party requests an adjustment in an order for child support that was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based; or

(c) If a child is a full-time student and reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the child becomes nineteen years of age upon a finding that there is a need to extend support beyond the eighteenth birthday.

(3) An order may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require medical support under RCW 26.09.105 for a child covered by the order; or

(b) Modify an existing order for health ((~~insurance~~)) care coverage.

(4) Support orders may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances.

(5)(a) All administrative orders entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a substantial change of circumstances. The petition may be filed based on changes in the child support schedule after twelve months has expired from the entry of the administrative order or the most recent modification order setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection (4) of this section.

(b) If, pursuant to subsection (4) of this section or (a) of this subsection, the order modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the change may be implemented in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under subsection (4) of this section may be filed.

(6) An increase in the wage or salary of the parent or custodian who is receiving the support transfer payments is not a substantial change in circumstances for purposes of modification under subsection (1)(b) of this section. An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department shall file the petition and a supporting affidavit with the secretary or the secretary's designee when the department petitions for modification.

(8) The responsible parent or the physical custodian shall follow the procedures in this chapter for filing an application for an adjudicative proceeding to petition for modification.

(9) Upon the filing of a proper petition or application, the secretary or the secretary's designee shall issue an order directing each party to appear and show cause why the order should not be modified.

(10) If the presiding or reviewing officer finds a modification is appropriate, the officer shall modify the order and set current and future support under chapter 26.19 RCW.

Sec. 110. RCW 74.20A.300 and 2009 c 476 s 6 are each amended to read as follows:

(1) Whenever a support order is entered or modified under this chapter, the department shall require either or both parents to provide medical support for any dependent child, in the nature of health ((~~insurance~~)) care coverage or a monthly payment toward the premium, as provided under RCW 26.09.105.

(2) ((~~"Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.~~

~~(3)~~))) A parent ordered to provide health ((~~insurance~~)) care coverage shall provide proof of such coverage or proof that such coverage is unavailable to the department within twenty days of the entry of the order.

(((~~(4)~~))) (3) A parent required to provide health ((~~insurance~~)) care coverage must notify the department and the other parent when coverage terminates.

(((~~(5)~~))) (4) Every order requiring a parent to provide health ((~~insurance~~)) care coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

PART II
ELECTRONIC PAYMENTS

NEW SECTION. **Sec. 201.** A new section is added to chapter 26.23 RCW to read as follows:

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

(a) "Electronic funds transfer" means any transfer of funds, other than a transaction originated or accomplished by conventional check, drafts, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit a checking or other deposit account. "Electronic funds transfer" includes payments made:

(i) By electronic check (echeck); and

(ii) By any means made available through the division of child support's web-based payment services.

(b) "Income withholding order" means an order to withhold income, order to withhold and deliver, or notice of payroll deduction issued under this chapter or chapter 26.10, 26.18, 74.20, or 74.20A RCW.

(c) "Payroll processor" means a person, entity, agent, or company which provides payroll services to an employer or other business such as calculating paychecks and providing electronic funds transfer services for payments to employees and other entities.

(2) Except as provided in subsection (4) of this section, an employer or other business that has received an income withholding order from the department of social and health services requiring payment to the Washington state support registry must remit payments through electronic funds transfer when the following conditions apply:

(a) The income withholding order applies to a person who is either an employee or contractor of the business, and the employer or business has:

(i) Ten or more employees; or

(ii) Ten or more contractors;

(b) The employer or business has received an income withholding order for more than one employee or contractor, even if the employer or business has fewer than ten employees or contractors, but has received an income withholding order for more than one employee or contractor;

(c) The employer or business uses a payroll processor to handle its payroll, payment, and tax processes and the payroll processor has the capacity to transmit payments through electronic funds transfer; or

(d) The employer or business is required by the department of revenue to file and pay taxes electronically under RCW 82.32.080.

(3) All electronic funds transfer payments must identify the person from whom the payment was withheld, the amount of the payment, the person's identifying number assigned by the division of child support, or the division of child support case number to which the payment is to be applied. If a business, employer, or payroll processor required to remit payments by electronic funds transfer under this section fails to comply with this requirement, the division of child support may issue a notice of noncompliance pursuant to RCW 74.20A.350.

(4) The department may waive the requirement to remit payments electronically for a business, employer, or payroll processor that is unable to comply despite good faith efforts or due to circumstances beyond that entity's reasonable control. Grounds for approving a waiver include, but are not limited to, circumstances in which:

(a) The business, employer, or payroll processor does not have a computer that meets the minimum standards necessary for electronic remittance;

(b) Additional time is needed to program the entity's computer;

(c) The business, employer, or payroll processor does not currently file data electronically with any business or government agency;

(d) Compliance conflicts with the entity's business procedures;

(e) Compliance would cause a financial hardship.

(5) The department has the discretion to terminate a waiver granted under subsection (4) of this section if:

(a) The business or employer has received at least one income withholding order for a person or employee and has failed to withhold or failed to withhold within the time provided in the order at least twice;

(b) The business, employer, or payroll processor has submitted at least one dishonored check; or

(c) The business, employer, or payroll processor continues to incorrectly identify withholdings or makes other errors that affect proper distribution of the support, despite contact and information from the department on how to correct the error.

(6) The department of social and health services has rule-making authority to enact rules in compliance with this section, including, but not limited to:

(a) The necessary conditions required for a business, employer, or payroll processor to electronically remit child support payments to the Washington state support registry;

(b) Options for electronic funds transfers and the process by which one must comply in order to establish such payment arrangements;

(c) Which types of payment meet the definition of electronic funds transfer; and

(d) Reasons for exemption from the requirement to remit funds by electronic funds transfer.

Sec. 202. RCW 74.20A.350 and 1997 c 58 s 893 are each amended to read as follows:

(1) The division of child support may issue a notice of noncompliance to any person, firm, entity, or agency of state or federal government that the division believes is not complying with:

(a) A notice of payroll deduction issued under chapter 26.23 RCW;

(b) A lien, order to withhold and deliver, or assignment of earnings issued under this chapter;

(c) Any other wage assignment, garnishment, attachment, or withholding instrument properly served by the agency or firm providing child support enforcement services for another state, under Title IV-D of the federal social security act;

(d) A subpoena issued by the division of child support, or the agency or firm providing child support enforcement for another state, under Title IV-D of the federal social security act;

(e) An information request issued by the division of child support, or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, to an employer or entity required to respond to such requests under RCW 74.20A.360; ((~~or~~))

(f) The duty to report newly hired employees imposed by RCW 26.23.040; or

(g) The duty of a business, employer, or payroll processor that has received an income withholding order from the department of social and health services requiring payment to the Washington state support registry to remit withheld funds by electronic means imposed by section 201 of this act.

(2) Liability for noncompliance with a wage withholding, garnishment, order to withhold and deliver, or any other lien or attachment issued to secure payment of child support is governed by RCW 26.23.090 and 74.20A.100, except that liability for noncompliance with remittance time frames is governed by subsection (((~~(3)~~))) (4) of this section.

(3) Fines for noncompliance by a business, employer, or payroll processor with the duty to remit withheld funds by electronic means imposed by section 201 of this act are governed by subsection (4)(c) of this section.

(4) The division of child support may impose fines of up to one hundred dollars per occurrence for:

(a) Noncompliance with a subpoena or an information request issued by the division of child support, or the agency or firm providing child support enforcement services for another state under Title IV-D of the federal social security act;

(b) Noncompliance with the required time frames for remitting withheld support moneys to the Washington state support registry, or the agency or firm providing child support enforcement services for another state, except that no liability shall be established for failure to make timely remittance unless the division of child support has provided the person, firm, entity, or agency of state or federal government with written warning:

(i) Explaining the duty to remit withheld payments promptly;

(ii) Explaining the potential for fines for delayed submission; and

(iii) Providing a contact person within the division of child support with whom the person, firm, entity, or agency of state or federal government may seek assistance with child support withholding issues;

(c) A business, employer, or payroll processor's noncompliance with the duty to remit withheld funds by electronic means imposed by section 201 of this act. The division of child support may not impose fines for failure to comply with this requirement unless it has provided the person, firm, entity, or agency of state or federal government with written warning:

(i) Explaining the duty to remit withheld payments by electronic means;

(ii) Explaining the potential for fines for failure to remit withheld payments by electronic means when required under section 201 of this act; and

(iii) Providing a contact person within the division of child support with whom the person, firm, entity, or agency of state or federal government may seek assistance with child support withholding issues.

((~~(4)~~)) (5) The division of child support may assess fines according to RCW 26.23.040 for failure to comply with employer reporting requirements.

((~~(5)~~)) (6) The division of child support may suspend licenses for failure to comply with a subpoena issued under RCW 74.20.225.

((~~(6)~~)) (7) The division of child support may serve a notice of noncompliance by personal service or by any method of mailing requiring a return receipt.

((~~(7)~~)) (8) The liability asserted by the division of child support in the notice of noncompliance becomes final and collectible on the twenty-first day after the date of service, unless within that time the person, firm, entity, or agency of state or federal government:

(a) Initiates an action in superior court to contest the notice of noncompliance;

(b) Requests a hearing by delivering a hearing request to the division of child support in accordance with rules adopted by the secretary under this section; or

(c) Contacts the division of child support and negotiates an alternate resolution to the asserted noncompliance or demonstrates that the person, firm, entity, or agency of state or federal government has complied with the child support processes.

((~~(8)~~)) (9) The notice of noncompliance shall contain:

(a) A full and fair disclosure of the rights and obligations created by this section; and

(b) Identification of the:

(i) Child support process with respect to which the division of child support is alleging noncompliance; and

(ii) State child support enforcement agency issuing the original child support process.

((~~(9)~~)) (10) In an administrative hearing convened under subsection ((~~(7)~~)) (8)(b) of this section, the presiding officer shall determine whether or not, and to what extent, liability for noncompliance exists under this section, and shall enter an order containing these findings. If liability does exist, the presiding officer shall include language in the order advising the parties to the proceeding that the liability may be collected by any means available to the division of child support under subsection ((~~(12)~~)) (13) of this section without further notice to the liable party.

((~~(10)~~)) (11) Hearings under this section are governed by the administrative procedure act, chapter 34.05 RCW.

((~~(11)~~)) (12) After the twenty days following service of the notice, the person, firm, entity, or agency of state or federal government may petition for a late hearing. A petition for a late hearing does not stay any collection action to recover the debt. A late hearing is available upon a showing of any of the grounds stated in civil rule 60 for the vacation of orders.

(((~~(12)~~))) (13) The division of child support may collect any obligation established under this section using any of the remedies available under chapter 26.09, 26.18, 26.21A, 26.23, 74.20, or 74.20A RCW for the collection of child support.

(((~~(13)~~))) (14) The division of child support may enter agreements for the repayment of obligations under this section. Agreements may:

(a) Suspend the obligation imposed by this section conditioned on future compliance with child support processes. Such suspension shall end automatically upon any failure to comply with a child support process. Amounts suspended become fully collectible without further notice automatically upon failure to comply with a child support process;

(b) Resolve amounts due under this section and provide for repayment.

(((~~(14)~~))) (15) The secretary may adopt rules to implement this section.

PART III
ECONOMIC TABLE

Sec. 301. RCW 26.19.020 and 2009 c 84 s 1 are each amended to read as follows:

((~~ECONOMIC TABLE~~
~~MONTHLY BASIC SUPPORT OBLIGATION~~
~~PER CHILD~~
~~KEY: A= AGE 0-11 B= AGE 12-18~~

~~COMBINED MONTHLY NET INCOME~~	~~ONE CHILD FAMILY~~		~~TWO CHILDREN FAMILY~~	
	~~A~~	~~B~~	~~A~~	~~B~~
	~~For income less than $1000 the obligation is based upon the resources and living expenses of each household. Minimum support may not be less than $50 per child per month except when allowed by RCW 26.19.065(2).~~			
~~1000~~	~~220~~	~~272~~	~~171~~	~~211~~
~~1100~~	~~242~~	~~299~~	~~188~~	~~232~~
~~1200~~	~~264~~	~~326~~	~~205~~	~~253~~
~~1300~~	~~285~~	~~352~~	~~221~~	~~274~~
~~1400~~	~~307~~	~~379~~	~~238~~	~~294~~
~~1500~~	~~327~~	~~404~~	~~254~~	~~313~~
~~1600~~	~~347~~	~~428~~	~~269~~	~~333~~
~~1700~~	~~367~~	~~453~~	~~285~~	~~352~~
~~1800~~	~~387~~	~~478~~	~~300~~	~~371~~

~~COMBINED MONTHLY NET INCOME~~	~~ONE CHILD FAMILY~~		~~TWO CHILDREN FAMILY~~	
~~1900~~	~~407~~	~~503~~	~~316~~	~~390~~
~~2000~~	~~427~~	~~527~~	~~331~~	~~409~~
~~2100~~	~~447~~	~~552~~	~~347~~	~~429~~
~~2200~~	~~467~~	~~577~~	~~362~~	~~448~~
~~2300~~	~~487~~	~~601~~	~~378~~	~~467~~
~~2400~~	~~506~~	~~626~~	~~393~~	~~486~~
~~2500~~	~~526~~	~~650~~	~~408~~	~~505~~
~~2600~~	~~534~~	~~661~~	~~416~~	~~513~~
~~2700~~	~~542~~	~~670~~	~~421~~	~~520~~
~~2800~~	~~549~~	~~679~~	~~427~~	~~527~~
~~2900~~	~~556~~	~~686~~	~~431~~	~~533~~
~~3000~~	~~561~~	~~693~~	~~436~~	~~538~~
~~3100~~	~~566~~	~~699~~	~~439~~	~~543~~
~~3200~~	~~569~~	~~704~~	~~442~~	~~546~~
~~3300~~	~~573~~	~~708~~	~~445~~	~~549~~
~~3400~~	~~574~~	~~710~~	~~446~~	~~551~~
~~3500~~	~~575~~	~~711~~	~~447~~	~~552~~
~~3600~~	~~577~~	~~712~~	~~448~~	~~553~~
~~3700~~	~~578~~	~~713~~	~~449~~	~~554~~
~~3800~~	~~581~~	~~719~~	~~452~~	~~558~~
~~3900~~	~~596~~	~~736~~	~~463~~	~~572~~
~~4000~~	~~609~~	~~753~~	~~473~~	~~584~~
~~4100~~	~~623~~	~~770~~	~~484~~	~~598~~
~~4200~~	~~638~~	~~788~~	~~495~~	~~611~~
~~4300~~	~~651~~	~~805~~	~~506~~	~~625~~
~~4400~~	~~664~~	~~821~~	~~516~~	~~637~~
~~4500~~	~~677~~	~~836~~	~~525~~	~~649~~
~~4600~~	~~689~~	~~851~~	~~535~~	~~661~~
~~4700~~	~~701~~	~~866~~	~~545~~	~~673~~
~~4800~~	~~713~~	~~882~~	~~554~~	~~685~~
~~4900~~	~~726~~	~~897~~	~~564~~	~~697~~
~~5000~~	~~738~~	~~912~~	~~574~~	~~708~~
~~5100~~	~~751~~	~~928~~	~~584~~	~~720~~
~~5200~~	~~763~~	~~943~~	~~593~~	~~732~~
~~5300~~	~~776~~	~~959~~	~~602~~	~~744~~

~~COMBINED MONTHLY NET INCOME~~	~~ONE CHILD FAMILY~~		~~TWO CHILDREN FAMILY~~	
~~5400~~	~~788~~	~~974~~	~~612~~	~~756~~
~~5500~~	~~800~~	~~989~~	~~622~~	~~768~~
~~5600~~	~~812~~	~~1004~~	~~632~~	~~779~~
~~5700~~	~~825~~	~~1019~~	~~641~~	~~791~~
~~5800~~	~~837~~	~~1035~~	~~650~~	~~803~~
~~5900~~	~~850~~	~~1050~~	~~660~~	~~815~~
~~6000~~	~~862~~	~~1065~~	~~670~~	~~827~~
~~6100~~	~~875~~	~~1081~~	~~680~~	~~839~~
~~6200~~	~~887~~	~~1096~~	~~689~~	~~851~~
~~6300~~	~~899~~	~~1112~~	~~699~~	~~863~~
~~6400~~	~~911~~	~~1127~~	~~709~~	~~875~~
~~6500~~	~~924~~	~~1142~~	~~718~~	~~887~~
~~6600~~	~~936~~	~~1157~~	~~728~~	~~899~~
~~6700~~	~~949~~	~~1172~~	~~737~~	~~911~~
~~6800~~	~~961~~	~~1188~~	~~747~~	~~923~~
~~6900~~	~~974~~	~~1203~~	~~757~~	~~935~~
~~7000~~	~~986~~	~~1218~~	~~767~~	~~946~~
~~7100~~	~~998~~	~~1233~~	~~776~~	~~958~~
~~7200~~	~~1009~~	~~1248~~	~~785~~	~~971~~
~~7300~~	~~1021~~	~~1262~~	~~794~~	~~982~~
~~7400~~	~~1033~~	~~1276~~	~~803~~	~~993~~
~~7500~~	~~1044~~	~~1290~~	~~812~~	~~1004~~
~~7600~~	~~1055~~	~~1305~~	~~821~~	~~1015~~
~~7700~~	~~1067~~	~~1319~~	~~830~~	~~1026~~
~~7800~~	~~1078~~	~~1333~~	~~839~~	~~1037~~
~~7900~~	~~1089~~	~~1346~~	~~848~~	~~1048~~
~~8000~~	~~1100~~	~~1360~~	~~857~~	~~1059~~
~~8100~~	~~1112~~	~~1374~~	~~865~~	~~1069~~
~~8200~~	~~1123~~	~~1387~~	~~874~~	~~1080~~
~~8300~~	~~1134~~	~~1401~~	~~882~~	~~1091~~
~~8400~~	~~1144~~	~~1414~~	~~891~~	~~1101~~
~~8500~~	~~1155~~	~~1428~~	~~899~~	~~1112~~
~~8600~~	~~1166~~	~~1441~~	~~908~~	~~1122~~
~~8700~~	~~1177~~	~~1454~~	~~916~~	~~1133~~
~~8800~~	~~1187~~	~~1467~~	~~925~~	~~1143~~

~~COMBINED MONTHLY NET INCOME~~	~~ONE CHILD FAMILY~~		~~TWO CHILDREN FAMILY~~	
~~8900~~	~~1198~~	~~1481~~	~~933~~	~~1153~~
~~9000~~	~~1208~~	~~1493~~	~~941~~	~~1163~~
~~9100~~	~~1219~~	~~1506~~	~~949~~	~~1173~~
~~9200~~	~~1229~~	~~1519~~	~~957~~	~~1183~~
~~9300~~	~~1239~~	~~1532~~	~~966~~	~~1193~~
~~9400~~	~~1250~~	~~1545~~	~~974~~	~~1203~~
~~9500~~	~~1260~~	~~1557~~	~~982~~	~~1213~~
~~9600~~	~~1270~~	~~1570~~	~~989~~	~~1223~~
~~9700~~	~~1280~~	~~1582~~	~~997~~	~~1233~~
~~9800~~	~~1290~~	~~1594~~	~~1005~~	~~1242~~
~~9900~~	~~1300~~	~~1606~~	~~1013~~	~~1252~~
~~10000~~	~~1310~~	~~1619~~	~~1021~~	~~1262~~
~~10100~~	~~1319~~	~~1631~~	~~1028~~	~~1271~~
~~10200~~	~~1329~~	~~1643~~	~~1036~~	~~1281~~
~~10300~~	~~1339~~	~~1655~~	~~1044~~	~~1290~~
~~10400~~	~~1348~~	~~1666~~	~~1051~~	~~1299~~
~~10500~~	~~1358~~	~~1678~~	~~1059~~	~~1308~~
~~10600~~	~~1367~~	~~1690~~	~~1066~~	~~1318~~
~~10700~~	~~1377~~	~~1701~~	~~1073~~	~~1327~~
~~10800~~	~~1386~~	~~1713~~	~~1081~~	~~1336~~
~~10900~~	~~1395~~	~~1724~~	~~1088~~	~~1345~~
~~11000~~	~~1404~~	~~1736~~	~~1095~~	~~1354~~
~~11100~~	~~1413~~	~~1747~~	~~1102~~	~~1363~~
~~11200~~	~~1422~~	~~1758~~	~~1110~~	~~1371~~
~~11300~~	~~1431~~	~~1769~~	~~1117~~	~~1380~~
~~11400~~	~~1440~~	~~1780~~	~~1124~~	~~1389~~
~~11500~~	~~1449~~	~~1791~~	~~1131~~	~~1398~~
~~11600~~	~~1458~~	~~1802~~	~~1138~~	~~1406~~
~~11700~~	~~1467~~	~~1813~~	~~1145~~	~~1415~~
~~11800~~	~~1475~~	~~1823~~	~~1151~~	~~1423~~
~~11900~~	~~1484~~	~~1834~~	~~1158~~	~~1431~~
~~12000~~	~~1492~~	~~1844~~	~~1165~~	~~1440~~

COMBINED MONTHLY NET INCOME	THREE CHILDREN FAMILY		FOUR CHILDREN FAMILY		FIVE CHILDREN FAMILY	
	A	B	A	B	A	B
	For income less than $1000 the obligation is based upon the resources and living expenses of each household. Minimum support may not be less than $50 per child per month except when allowed by RCW 26.19.065(2).					
1000	143	177	121	149	105	130
1100	157	194	133	164	116	143
1200	171	211	144	179	126	156
1300	185	228	156	193	136	168
1400	199	246	168	208	147	181
1500	212	262	179	221	156	193
1600	225	278	190	235	166	205
1700	238	294	201	248	175	217
1800	251	310	212	262	185	228
1900	264	326	223	275	194	240
2000	277	342	234	289	204	252
2100	289	358	245	303	213	264
2200	302	374	256	316	223	276
2300	315	390	267	330	233	288
2400	328	406	278	343	242	299
2500	341	421	288	356	251	311
2600	346	428	293	362	256	316
2700	351	435	298	368	259	321
2800	356	440	301	372	262	324
2900	360	445	305	376	266	328
3000	364	449	308	380	268	331
3100	367	453	310	383	270	334
3200	369	457	312	386	272	336
3300	371	459	314	388	273	339
3400	372	460	315	389	274	340
3500	373	461	316	390	275	341
3600	374	462	317	391	276	342

COMBINED MONTHLY NET INCOME	THREE CHILDREN FAMILY		FOUR CHILDREN FAMILY		FIVE CHILDREN FAMILY	
3700	375	463	318	392	277	343
3800	377	466	319	394	278	344
3900	386	477	326	404	284	352
4000	395	488	334	413	291	360
4100	404	500	341	422	298	368
4200	413	511	350	431	305	377
4300	422	522	357	441	311	385
4400	431	532	364	449	317	392
4500	438	542	371	458	323	400
4600	446	552	377	467	329	407
4700	455	562	384	475	335	414
4800	463	572	391	483	341	422
4900	470	581	398	491	347	429
5000	479	592	404	500	353	437
5100	487	602	411	509	359	443
5200	494	611	418	517	365	451
5300	503	621	425	525	371	458
5400	511	632	432	533	377	466
5500	518	641	439	542	383	473
5600	527	651	446	551	389	480
5700	535	661	452	559	395	488
5800	543	671	459	567	401	495
5900	551	681	466	575	407	502
6000	559	691	473	584	413	509
6100	567	701	479	593	418	517
6200	575	710	486	601	424	524
6300	583	721	493	609	430	532
6400	591	731	500	617	436	539
6500	599	740	506	626	442	546
6600	607	750	513	635	448	554
6700	615	761	520	643	454	561
6800	623	770	527	651	460	568
6900	631	780	533	659	466	575

COMBINED MONTHLY NET INCOME	THREE CHILDREN FAMILY		FOUR CHILDREN FAMILY		FIVE CHILDREN FAMILY	
7000	639	790	540	668	472	583
7100	647	800	547	677	478	591
7200	654	809	554	684	484	598
7300	662	818	560	693	490	605
7400	670	828	567	701	496	613
7500	677	837	574	709	502	620
7600	685	846	581	718	507	627
7700	692	855	587	726	513	634
7800	700	865	594	734	519	642
7900	707	874	601	742	525	649
8000	714	883	607	750	531	656
8100	722	892	614	759	536	663
8200	729	901	620	767	542	670
8300	736	910	627	775	548	677
8400	743	919	633	783	553	684
8500	750	928	640	791	559	691
8600	758	936	646	799	565	698
8700	765	945	653	807	570	705
8800	772	954	659	815	576	712
8900	779	962	665	822	582	719
9000	786	971	672	830	587	726
9100	792	980	678	838	593	732
9200	799	988	684	846	598	739
9300	806	996	691	854	604	746
9400	813	1005	697	861	609	753
9500	820	1013	703	869	614	759
9600	826	1021	709	877	620	766
9700	833	1030	716	884	625	773
9800	840	1038	722	892	631	779
9900	846	1046	728	900	636	786
10000	853	1054	734	907	641	793
10100	859	1062	740	915	647	799
10200	866	1070	746	922	652	806

~~COMBINED MONTHLY NET INCOME~~	~~THREE CHILDREN FAMILY~~		~~FOUR CHILDREN FAMILY~~		~~FIVE CHILDREN FAMILY~~	
~~10300~~	~~872~~	~~1078~~	~~752~~	~~930~~	~~657~~	~~812~~
~~10400~~	~~879~~	~~1086~~	~~758~~	~~937~~	~~662~~	~~819~~
~~10500~~	~~885~~	~~1094~~	~~764~~	~~944~~	~~668~~	~~825~~
~~10600~~	~~891~~	~~1102~~	~~770~~	~~952~~	~~673~~	~~832~~
~~10700~~	~~898~~	~~1109~~	~~776~~	~~959~~	~~678~~	~~838~~
~~10800~~	~~904~~	~~1117~~	~~782~~	~~966~~	~~683~~	~~844~~
~~10900~~	~~910~~	~~1125~~	~~788~~	~~974~~	~~688~~	~~851~~
~~11000~~	~~916~~	~~1132~~	~~794~~	~~981~~	~~693~~	~~857~~
~~11100~~	~~922~~	~~1140~~	~~799~~	~~988~~	~~698~~	~~863~~
~~11200~~	~~928~~	~~1147~~	~~805~~	~~995~~	~~703~~	~~869~~
~~11300~~	~~934~~	~~1155~~	~~811~~	~~1002~~	~~708~~	~~876~~
~~11400~~	~~940~~	~~1162~~	~~817~~	~~1009~~	~~714~~	~~882~~
~~11500~~	~~946~~	~~1170~~	~~822~~	~~1017~~	~~719~~	~~888~~
~~11600~~	~~952~~	~~1177~~	~~828~~	~~1024~~	~~723~~	~~894~~
~~11700~~	~~958~~	~~1184~~	~~834~~	~~1031~~	~~728~~	~~900~~
~~11800~~	~~964~~	~~1191~~	~~839~~	~~1038~~	~~733~~	~~906~~
~~11900~~	~~970~~	~~1199~~	~~845~~	~~1045~~	~~738~~	~~912~~
~~12000~~	~~975~~	~~1206~~	~~851~~	~~1051~~	~~743~~	~~919~~))

ECONOMIC TABLE
MONTHLY BASIC SUPPORT OBLIGATION
PER CHILD

COMBINED MONTHLY NET INCOME	ONE CHILD FAMILY	TWO CHILDREN FAMILY
For income less than $1000 the obligation is based upon the resources and living expenses of each household. Minimum support may not be less than $50 per child per month except when allowed by RCW 26.19.065(2).		
1000	216	167
1100	238	184
1200	260	200
1300	281	217

COMBINED MONTHLY NET INCOME	ONE CHILD FAMILY	TWO CHILDREN FAMILY
1400	303	234
1500	325	251
1600	346	267
1700	368	284
1800	390	301
1900	412	317
2000	433	334
2100	455	350
2200	477	367
2300	499	384
2400	521	400
2500	543	417
2600	565	433
2700	587	450
2800	609	467
2900	630	483
3000	652	500
3100	674	516
3200	696	533
3300	718	550
3400	740	566
3500	762	583
3600	784	599
3700	803	614
3800	816	624
3900	830	634
4000	843	643
4100	857	653
4200	867	660
4300	877	668
4400	887	675
4500	896	682
4600	906	689

COMBINED MONTHLY NET INCOME	ONE CHILD FAMILY	TWO CHILDREN FAMILY
4700	916	697
4800	927	705
4900	939	714
5000	951	723
5100	963	732
5200	975	741
5300	987	750
5400	999	759
5500	1011	768
5600	1023	777
5700	1030	782
5800	1036	786
5900	1042	791
6000	1048	795
6100	1054	800
6200	1061	804
6300	1067	809
6400	1073	813
6500	1081	819
6600	1096	830
6700	1111	842
6800	1126	853
6900	1141	864
7000	1156	875
7100	1170	886
7200	1185	898
7300	1200	909
7400	1212	918
7500	1222	925
7600	1231	932
7700	1241	939
7800	1251	946
7900	1261	953

COMBINED MONTHLY NET INCOME	ONE CHILD FAMILY	TWO CHILDREN FAMILY
8000	1270	960
8100	1280	968
8200	1290	975
8300	1299	981
8400	1308	987
8500	1316	994
8600	1325	1000
8700	1334	1007
8800	1343	1013
8900	1352	1019
9000	1361	1026
9100	1370	1032
9200	1379	1040
9300	1387	1047
9400	1396	1055
9500	1405	1062
9600	1414	1069
9700	1423	1077
9800	1432	1084
9900	1441	1092
10000	1451	1099
10100	1462	1107
10200	1473	1114
10300	1484	1122
10400	1495	1129
10500	1507	1136
10600	1518	1144
10700	1529	1151
10800	1539	1159
10900	1542	1161
11000	1545	1164
11100	1548	1166
11200	1551	1169

COMBINED MONTHLY NET INCOME	ONE CHILD FAMILY	TWO CHILDREN FAMILY
11300	1554	1172
11400	1556	1174
11500	1559	1177
11600	1562	1179
11700	1565	1182
11800	1568	1184
11900	1571	1187
12000	1573	1190

COMBINED MONTHLY NET INCOME	THREE CHILDREN FAMILY	FOUR CHILDREN FAMILY	FIVE CHILDREN FAMILY
For income less than $1000 the obligation is based upon the resources and living expenses of each household. Minimum support may not be less than $50 per child per month except when allowed by RCW 26.19.065(2).			
1000	136	114	100
1100	150	125	110
1200	163	137	120
1300	177	148	130
1400	191	160	141
1500	204	171	151
1600	218	182	161
1700	231	194	171
1800	245	205	180
1900	258	216	190
2000	271	227	200
2100	285	239	210
2200	298	250	220
2300	311	261	230
2400	325	272	239
2500	338	283	249

COMBINED MONTHLY NET INCOME	THREE CHILDREN FAMILY	FOUR CHILDREN FAMILY	FIVE CHILDREN FAMILY
2600	351	294	259
2700	365	305	269
2800	378	317	279
2900	391	328	288
3000	405	339	298
3100	418	350	308
3200	431	361	318
3300	444	372	328
3400	458	384	337
3500	471	395	347
3600	484	406	357
3700	496	416	366
3800	503	422	371
3900	511	428	377
4000	518	434	382
4100	526	440	388
4200	531	445	392
4300	537	450	396
4400	543	455	400
4500	548	459	404
4600	554	464	408
4700	559	469	412
4800	566	474	417
4900	573	480	422
5000	580	486	428
5100	587	492	433
5200	594	498	438
5300	602	504	443
5400	609	510	449
5500	616	516	454
5600	623	522	459
5700	627	525	462
5800	630	528	465

COMBINED MONTHLY NET INCOME	THREE CHILDREN FAMILY	FOUR CHILDREN FAMILY	FIVE CHILDREN FAMILY
5900	634	531	467
6000	637	534	470
6100	641	537	472
6200	644	540	475
6300	648	543	477
6400	651	545	480
6500	656	549	483
6600	665	557	490
6700	674	564	497
6800	683	572	503
6900	692	579	510
7000	701	587	516
7100	710	594	523
7200	719	602	530
7300	727	609	536
7400	734	615	541
7500	740	620	545
7600	745	624	549
7700	751	629	554
7800	756	634	558
7900	762	638	562
8000	767	643	566
8100	773	647	570
8200	778	652	574
8300	783	656	577
8400	788	660	581
8500	793	664	584
8600	797	668	588
8700	802	672	591
8800	807	676	595
8900	812	680	599
9000	817	684	602
9100	822	689	606

COMBINED MONTHLY NET INCOME	THREE CHILDREN FAMILY	FOUR CHILDREN FAMILY	FIVE CHILDREN FAMILY
9200	828	694	611
9300	835	699	616
9400	841	705	620
9500	848	710	625
9600	854	716	630
9700	861	721	635
9800	867	727	639
9900	874	732	644
10000	879	737	648
10100	885	741	652
10200	890	745	656
10300	895	750	660
10400	900	754	664
10500	906	759	668
10600	911	763	672
10700	916	767	675
10800	921	772	679
10900	924	774	681
11000	926	776	683
11100	928	778	684
11200	931	780	686
11300	933	782	688
11400	936	784	690
11500	938	786	692
11600	940	788	693
11700	943	790	695
11800	945	792	697
11900	948	794	699
12000	950	796	700

The economic table is presumptive for combined monthly net incomes up to and including twelve thousand dollars. When combined monthly net income exceeds twelve thousand dollars, the court may exceed the presumptive amount of support set for combined monthly net incomes of twelve thousand dollars upon written findings of fact.

PART IV
SELF-SUPPORT RESERVE

Sec. 401. RCW 26.19.065 and 2009 c 84 s 2 are each amended to read as follows:

(1) **Limit at forty-five percent of a parent's net income.** Neither parent's child support obligation owed for all his or her biological or legal children may exceed forty-five percent of net income except for good cause shown.

(a) Each child is entitled to a pro rata share of the income available for support, but the court only applies the pro rata share to the children in the case before the court.

(b) Before determining whether to apply the forty-five percent limitation, the court must consider whether it would be unjust to apply the limitation after considering the best interests of the child and the circumstances of each parent. Such circumstances include, but are not limited to, leaving insufficient funds in the custodial parent's household to meet the basic needs of the child, comparative hardship to the affected households, assets or liabilities, and any involuntary limits on either parent's earning capacity including incarceration, disabilities, or incapacity.

(c) Good cause includes, but is not limited to, possession of substantial wealth, children with day care expenses, special medical need, educational need, psychological need, and larger families.

(2) **Presumptive minimum support obligation.** (a) When a parent's monthly net income is below one hundred twenty-five percent of the federal poverty guideline for a one-person family, a support order of not less than fifty dollars per child per month shall be entered unless the obligor parent establishes that it would be unjust to do so in that particular case. The decision whether there is a sufficient basis to deviate below the presumptive minimum payment must take into consideration the best interests of the child and the circumstances of each parent. Such circumstances can include leaving insufficient funds in the custodial parent's household to meet the basic needs of the child, comparative hardship to the affected households, assets or liabilities, and earning capacity.

(b) The basic support obligation of the parent making the transfer payment, excluding health care, day care, and special child-rearing expenses, shall not reduce his or her net income below the self-support reserve of one hundred twenty-five percent of the federal poverty level for a one-person family, except for the presumptive minimum payment of fifty dollars per child per month or when it would be unjust to apply the self-support reserve limitation after considering the best interests of the child and the circumstances of each parent. Such circumstances include, but are not limited to, leaving insufficient funds in the custodial parent's household to meet the basic needs of the child, comparative hardship to the affected households, assets or liabilities, and earning capacity. This section shall not be construed to require monthly substantiation of income.

(3) **Income above twelve thousand dollars.** The economic table is presumptive for combined monthly net incomes up to and including twelve thousand dollars. When combined monthly net income exceeds twelve thousand dollars, the court may exceed the presumptive amount of support set for combined monthly net incomes of twelve thousand dollars upon written findings of fact.

PART V
MISCELLANEOUS

NEW SECTION. **Sec. 501.** Sections 201 through 401 of this act take effect January 1, 2019.

Passed by the Senate March 6, 2018.
Passed by the House March 1, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 151

[Substitute Senate Bill 6340]

RETIREMENT SYSTEMS--PERS 1 AND TRS 1--BENEFIT INCREASE

AN ACT Relating to providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 41.32 RCW under the subchapter heading "plan 1" to read as follows:

(1) Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2017, shall receive, effective July 1, 2018, an increase to their monthly benefit of one and one-half percent multiplied by the beneficiaries' monthly benefit, not to exceed sixty-two dollars and fifty cents.

(2) This section does not apply to those receiving benefits pursuant to RCW 41.32.489 or 41.32.540.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.40 RCW under the subchapter heading "plan 1" to read as follows:

(1) Beneficiaries who are receiving a monthly benefit from the public employees' retirement system plan 1 on July 1, 2017, shall receive, effective July 1, 2018, an increase to their monthly benefit of one and one-half percent multiplied by the beneficiaries' monthly benefit, not to exceed sixty-two dollars and fifty cents.

(2) This section does not apply to those receiving benefits pursuant to RCW 41.40.1984.

NEW SECTION. **Sec. 3.** This act takes effect July 1, 2018.

Passed by the Senate March 8, 2018.
Passed by the House March 7, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 152

[Senate Bill 6367]

PUBLICLY OWNED INDUSTRIAL WASTEWATER TREATMENT FACILITIES--WATER POLLUTION CONTROL REVOLVING FUND LOANS

AN ACT Relating to publicly owned industrial wastewater treatment facilities; and amending RCW 90.50A.030.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 90.50A.030 and 2016 c 88 s 3 are each amended to read as follows:

The department shall use the moneys in the water pollution control revolving fund to provide financial assistance as provided in the clean water act and as provided in RCW 90.50A.040:

(1) To make loans, on the condition that:

(a) Such loans are made at or below market interest rates, including interest free loans, at terms not to exceed the lesser of thirty years or the projected useful life, as determined by the state, of the project to be financed with the proceeds of the loan;

(b) Annual principal and interest payments will commence not later than one year after completion of any project and all loans will be fully amortized upon the expiration of the term of the loan;

(c) The recipient of a loan will establish a dedicated source of revenue for repayment of loans; and

(d) The fund will be credited with all payments of principal and interest on all loans.

(2) Loans may be made for the following purposes:

(a) To public bodies for the construction or replacement of water pollution control facilities as defined in the clean water act, including publicly owned industrial wastewater treatment facilities that reduce the burden on a municipal wastewater facility;

(b) For the implementation of a management program established under the clean water act relating to the management of nonpoint sources of pollution, subject to the requirements of that act; and

(c) For development and implementation of a conservation and management plan under the clean water act relating to the national estuary program, subject to the requirements of that act.

(3) The department may also use the moneys in the fund for the following purposes:

(a) To buy or refinance the water pollution control facilities' debt obligations of public bodies at or below market rates, if such debt was incurred after March 7, 1985;

(b) To guarantee, or purchase insurance for, public body obligations for water pollution control facility construction or replacement or activities if the guarantee or insurance would improve credit market access or reduce interest rates, or to provide loans to a public body for this purpose;

(c) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state if the proceeds of the sale of such bonds will be deposited in the fund;

(d) To earn interest on fund accounts; and

(e) To pay the expenses of the department in administering the water pollution control revolving fund according to administrative reserves authorized by federal and state law.

(4) The department shall present a biennial progress report on the use of moneys from the account to the appropriate committees of the legislature. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

(5) The department may not use the moneys in the water pollution control revolving fund for grants.

Passed by the Senate February 12, 2018.
Passed by the House March 1, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 153

[Substitute Senate Bill 6388]

PARAEDCUATORS--REQUIREMENTS AND COURSE OF STUDY

AN ACT Relating to paraeducators; amending RCW 28A.413.040, 28A.413.060, and 28A.413.070; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

PARAEDUCATOR REQUIREMENTS

Sec. 1. RCW 28A.413.040 and 2017 c 237 s 5 are each amended to read as follows:

((~~Effective September 1, 2018,~~)) (1)(a) A person working as a paraeducator for a school district before or during the 2017-18 school year must meet the requirements of subsection (2) of this section by the date of hire for the 2019-20 school year or any subsequent school year.

(b) A person who has not previously worked as a paraeducator for a school district must meet the requirements of subsection (2) of this section by the date of hire for the 2018-19 school year or any subsequent school year.

(2) The minimum employment requirements for paraeducators are as provided in this subsection. ((~~The~~)) A paraeducator must:

(((~~(1)~~))) (a) Be at least eighteen years of age and hold a high school diploma or its equivalent; and

(((~~(2)(a)~~))) (b)(i) Have received a passing grade on the education testing service paraeducator assessment; or

(((~~(b)~~))) (ii) Hold an associate of arts degree; or

(((~~(c)~~))) (iii) Have earned seventy-two quarter credits or forty-eight semester credits at an institution of higher education; or

(((~~(d)~~))) (iv) Have completed a registered apprenticeship program.

NEW SECTION. **Sec. 2.** By October 1, 2018, a school district that does not receive funding under Title I of the federal elementary and secondary education act of 1965 must report to the paraeducator board with the following information about paraeducators hired by the school district for the 2018-19 school year, as of September 1, 2018: The total number of paraeducators and the number who meet the minimum employment requirements provided in RCW 28A.413.040.

Sec. 3. RCW 28A.413.060 and 2017 c 237 s 7 are each amended to read as follows:

(1) ((~~Subject to the availability of amounts appropriated for this specific purpose, beginning September 1, 2019,~~)) School districts must implement this section only in school years for which state funding is appropriated specifically

for the purposes of this section and only for the number of days that are funded by the appropriation.

(2) School districts must provide a four-day fundamental course of study on the state standards of practice, as defined by the board, to paraeducators who have not completed the course, either in the district or in another district within the state. School districts must use best efforts to provide the fundamental course of study before the paraeducator begins to work with students and their families, and at a minimum by the deadlines provided in subsection ((~~(2)~~)) (3) of this section.

((~~(2)~~)) (3) Except as provided in (b) of this subsection, school districts must provide the fundamental course of study required in subsection ((~~(1)~~)) (2) of this section ((~~as follows~~)) by the deadlines provided in (a) of this subsection:

(a)(i) For paraeducators hired on or before September 1st, by September 30th of that year, regardless of the size of the district; and

((~~(b)~~)) (ii) For paraeducators hired after September 1st:

((~~(i)~~)) (A) For districts with ten thousand or more students, within four months of the date of hire; and

((~~(ii)~~)) (B) For districts with fewer than ten thousand students, no later than September 1st of the following year.

((~~(3)~~)) (b)(i) For paraeducators hired for the 2018-19 school year, by September 1, 2020; and

(ii) For paraeducators not hired for the 2018-19 school year, but hired for the 2019-20 school year, by September 1, 2021.

(4) School districts may collaborate with other school districts or educational service districts to meet the requirements of this section.

Sec. 4. RCW 28A.413.070 and 2017 c 237 s 8 are each amended to read as follows:

(1) School districts must implement this section only in school years for which state funding is appropriated specifically for the purposes of this section and only for the number of days that are funded by the appropriation.

(2)(a) Paraeducators may become eligible for a general paraeducator certificate by completing the four-day fundamental course of study, as required under RCW 28A.413.060, and an additional ten days of general courses, as defined by the board, on the state paraeducator standards of practice, described in RCW 28A.413.050.

(b) Paraeducators are not required to meet the general paraeducator certificate requirements under this subsection ((~~(1)~~)) (2) unless ((~~amounts are appropriated for the specific purposes of subsection (2) of this section and RCW 28A.413.060~~)) the courses necessary to meet the requirements are funded by the state in accordance with subsection (1) of this section and RCW 28A.413.060(1).

((~~(2) Subject to the availability of amounts appropriated for this specific purpose,~~)) (3) Beginning September 1, 2019, school districts must:

(a) Provide paraeducators with general courses on the state paraeducator standards of practice; and

(b) Ensure all paraeducators employed by the district meet the general certification requirements of this section within three years of completing the four-day fundamental course of study.

((~~(3)~~)) (4) The general paraeducator certificate does not expire.

Passed by the Senate March 6, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 154

[Senate Bill 6414]

PUBLIC TRANSPORTATION BENEFIT AREAS--POPULATION-BASED REPRESENTATION

AN ACT Relating to population-based representation on the governing body of public transportation benefit areas; amending RCW 36.57A.050 and 36.57A.055; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 36.57A.050 and 2010 c 278 s 3 are each amended to read as follows:

Within sixty days of the establishment of the boundaries of the public transportation benefit area the members of the county legislative authority and the elected representative of each city within the area shall provide for the selection of the governing body of such area, the public transportation benefit area authority, which shall consist of elected officials selected by and serving at the pleasure of the governing bodies of component cities within the area and the county legislative authority of each county within the area. The members of the governing body of the public transportation benefit area, if the population of the county in which the public transportation benefit area is located is more than four hundred thousand and the county does not also contain a city with a population of seventy-five thousand or more operating a transit system pursuant to chapter 35.95 RCW, must be selected to assure proportional representation, based on population, of each of the component cities located within the public transportation benefit area and the unincorporated areas of the county located within the public transportation benefit area, to the extent possible within the restrictions placed on the size of the governing body of a public transportation benefit area. If necessary to assure such proportional representation, multiple cities may be represented by a single elected official from one of the cities. A majority of the governing board may not be selected to represent a single component city. If at the time a public transportation benefit area authority assumes the public transportation functions previously provided under the interlocal cooperation act (chapter 39.34 RCW) there are citizen positions on the governing board of the transit system, those positions may be retained as positions on the governing board of the public transportation benefit area authority.

Within such sixty-day period, any city may by resolution of its legislative body withdraw from participation in the public transportation benefit area. The county legislative authority and each city remaining in the public transportation benefit area may disapprove and prevent the establishment of any governing body of a public transportation benefit area if the composition thereof does not meet its approval.

In no case shall the governing body of a single county public transportation benefit area be greater than nine voting members and in the case of a multicounty area, fifteen voting members. Those cities within the public

transportation benefit area and excluded from direct membership on the authority are hereby authorized to designate a member of the authority who shall be entitled to represent the interests of such city which is excluded from direct membership on the authority. The legislative body of such city shall notify the authority as to the determination of its authorized representative on the authority.

There is one nonvoting member of the public transportation benefit area authority. The nonvoting member is recommended by the labor organization representing the public transportation employees within the local public transportation system. If the public transportation employees are represented by more than one labor organization, all such labor organizations shall select the nonvoting member by majority vote. The nonvoting member shall comply with all governing bylaws and policies of the authority. The chair or cochairs of the authority shall exclude the nonvoting member from attending any executive session held for the purpose of discussing negotiations with labor organizations. The chair or cochairs may exclude the nonvoting member from attending any other executive session. The requirement that a nonvoting member be appointed to the governing body of a public transportation benefit area authority does not apply to an authority that has no employees represented by a labor union.

Each member of the authority is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to receive compensation, as set by the authority, in an amount not to exceed forty-four dollars for each day during which the member attends official meetings of the authority or performs prescribed duties approved by the chair of the authority. Except that the authority may, by resolution, increase the payment of per diem compensation to each member from forty-four dollars up to ninety dollars per day or portion of a day for actual attendance at board meetings or for performance of other official services or duties on behalf of the authority. In no event may a member be compensated in any year for more than seventy-five days, except the chair who may be paid compensation for not more than one hundred days: PROVIDED, That compensation shall not be paid to an elected official or employee of federal, state, or local government who is receiving regular full-time compensation from such government for attending meetings and performing prescribed duties of the authority.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his

or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 2. RCW 36.57A.055 and 1991 c 318 s 16 are each amended to read as follows:

After a public transportation benefit area has been in existence for four years, members of the county legislative authority and the elected representative of each city within the boundaries of the public transportation benefit area shall review the composition of the governing body of the benefit area and change the composition of the governing body if the change is deemed appropriate. When determining if a change to the composition of the governing body is appropriate, the proportional representation requirements of RCW 36.57A.050 must be taken into consideration if the population of the county in which the public transportation benefit area is located is more than four hundred thousand and the county does not also contain a city with a population of seventy-five thousand or more operating a transit system pursuant to chapter 35.95 RCW, and the composition of the governing body must be changed if necessary to meet this requirement. The review shall be at a meeting of the designated representatives of the component county and cities, and the majority of those present shall constitute a quorum at such meeting. Twenty days notice of the meeting shall be given by the chief administrative officer of the public transportation benefit area authority. After the initial review, a review shall be held every four years.

If an area having a population greater than fifteen percent, or areas with a combined population of greater than twenty-five percent of the population of the existing public transportation benefit area as constituted at the last review meeting, annex to the public transportation benefit area, or if an area is added under RCW 36.57A.140(2), the representatives of the component county and cities shall meet within ninety days to review and change the composition of the governing body, if the change is deemed appropriate. This meeting is in addition to the regular four-year review meeting and shall be conducted pursuant to the same notice requirement and quorum provisions of the regular review.

NEW SECTION. **Sec. 3.** This act takes effect August 1, 2018.

Passed by the Senate February 14, 2018.
Passed by the House March 1, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 155

[Substitute Senate Bill 6419]

EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM--ELIGIBILITY

AN ACT Relating to promoting access to the Washington early childhood education and assistance program; amending RCW 43.216.555; adding new sections to chapter 43.216 RCW; creating a new section; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that research continues to demonstrate the efficacy of the state's early childhood education and assistance program, known as ECEAP. Studies in Washington and from other states show that ECEAP prepares children for kindergarten success and has significant positive impacts on third, fourth, and fifth grade test scores. The legislature also finds that in some areas of the state, expanding ECEAP has proven challenging because there are too few eligible children to form an ECEAP classroom. The result is that children who are income eligible and the furthest from opportunity remain unserved. The legislature finds further that in other ECEAP classrooms, funded seats remain empty because providers do not have sufficient flexibility to serve families in need who are slightly over income but often have similar risk factors. The legislature intends, therefore, to provide more flexibility in determining eligibility for ECEAP in order to maximize the state's investment and assure that program funding is deployed to serve the greatest number of children and families.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.216 RCW to read as follows:

(1) The department shall adopt rules that allow the inclusion of children in the early childhood education and assistance program whose family income is above one hundred ten percent of the federal poverty level if the number of such children equals not more than twenty-five percent of total statewide enrollment.

(2) Children included in the early childhood education and assistance program under this section must be homeless or impacted by specific developmental or environmental risk factors that are linked by research to school performance. "Homeless" means without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento homeless assistance act, P.L. 100-77, July 22, 1987, 101 Stat. 482, and runaway and homeless youth act, P.L. 93-415, Title III, September 7, 1974, 88 Stat. 1129.

(3) Children included in the early childhood education and assistance program under this section are not to be considered eligible children as defined in RCW 43.216.505 and are not considered to be part of the state-funded entitlement required in RCW 43.216.556.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.216 RCW to read as follows:

(1) The department shall prioritize children for enrollment in the early childhood education and assistance program who are eligible pursuant to RCW 43.216.505.

(2) As space is available, children may be included in the early childhood education and assistance program pursuant to section 2 of this act. Priority within this group must be given to children who are experiencing homelessness, child welfare system involvement, or a developmental delay or disability that does not meet the eligibility criteria for special education adopted under RCW 28A.155.020.

Sec. 4. RCW 43.216.555 and 2015 3rd sp.s. c 7 s 11 are each amended to read as follows:

(1) Beginning September 1, 2011, an early learning program to provide voluntary preschool opportunities for children three and four years of age shall be implemented according to the funding and implementation plan in RCW

((~~43.215.456~~)) 43.216.556. The program must offer a comprehensive program of early childhood education and family support, including parental involvement and health information, screening, and referral services, based on family need. Participation in the program is voluntary. On a space available basis, the program may allow enrollment of children who are not otherwise eligible by assessing a fee.

(2) The program shall be implemented by utilizing the program standards and eligibility criteria in the early childhood education and assistance program in RCW ((~~43.215.400~~)) 43.216.500 through ((~~43.215.450~~)) 43.216.550.

(3)(a) Beginning in the 2015-16 school year, the program implementation in this section shall prioritize early childhood education and assistance programs located in low-income neighborhoods within high-need geographical areas.

(b) Following the priority in (a) of this subsection, preference shall be given to programs meeting at least one of the following characteristics:

(i) Programs offering an extended day program for early care and education;

(ii) Programs offering services to children diagnosed with a special need; or

(iii) Programs offering services to children involved in the child welfare system.

(4) The ((~~director~~)) secretary shall adopt rules for the following program components, as appropriate and necessary during the phased implementation of the program, consistent with early achievers program standards established in RCW ((~~43.215.100~~)) 43.216.085:

(a) Minimum program standards;

(b) Approval of program providers; and

(c) Accountability and adherence to performance standards.

(5) The department has administrative responsibility for:

(a) Approving and contracting with providers according to rules developed by the ((~~director~~)) secretary under this section;

(b) In partnership with school districts, monitoring program quality and assuring the program is responsive to the needs of eligible children;

(c) Assuring that program providers work cooperatively with school districts to coordinate the transition from preschool to kindergarten so that children and their families are well-prepared and supported; and

(d) Providing technical assistance to contracted providers.

NEW SECTION. **Sec. 5.** This act takes effect July 1, 2018.

Passed by the Senate March 6, 2018.
Passed by the House March 1, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 156

[Substitute Senate Bill 6549]

ACCESS TO BABY AND CHILD DENTISTRY PROGRAM--CHILDREN WITH DISABILITIES

AN ACT Relating to expanding the access to baby and child dentistry program to serve children with disabilities; and adding a new section to chapter 74.09 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 74.09 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the authority shall expand the access to baby and child dentistry program to include children with disabilities as eligible clients.

(2) Once enrolled in the program, eligible children with disabilities must be covered until their thirteenth birthday.

(3) Children with disabilities enrolled in the program shall receive all services and benefits received by program clients.

(4) The authority shall pay enhanced fees for program services provided to children with disabilities enrolled in the program to dentists and dental hygienists certified to provide program services to children with disabilities. To receive certification to provide program services to children with disabilities, a dentist or dental hygienist must:

(a) Be licensed under Title 18 RCW; and

(b) Complete a course on treating children with disabilities as defined by the authority in rule.

(5) On or before December 15, 2018, and on or before December 15, 2019, the authority, in consultation with any organizations administering the program, shall provide a report, in compliance with RCW 43.01.036, to the health care and fiscal committees of the legislature, to include:

(a) The number of dentists and dental hygienists participating in the program; and

(b) The number of children with disabilities who received treatment through the program.

(6) For purposes of this section:

(a) "Children with disabilities" means all individuals under the age of thirteen with a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological condition closely related to an intellectual disability or that requires treatment similar to that required for persons with intellectual disabilities, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to such individual, who are eligible for one of the following medical assistance programs:

(i) Categorically needy program;

(ii) Limited casualty program-medically needy program;

(iii) Children's health program; or

(iv) State children's health insurance program.

(b) "Program" means the access to baby and child dentistry program as established by WAC 182-535-1245 or successor rule.

Passed by the Senate February 12, 2018.

Passed by the House February 28, 2018.

Approved by the Governor March 21, 2018.

Filed in Office of Secretary of State March 23, 2018.

CHAPTER 157

[Substitute Senate Bill 6560]

YOUTH--DISCHARGE FROM PUBLIC CARE INTO HOMELESSNESS--IDENTICARDS

AN ACT Relating to ensuring that no youth is discharged from a public system of care into homelessness; amending RCW 46.20.117; creating a new section; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) In accordance with RCW 43.330.700(5)(a), it is the goal of the legislature, that beginning January 1, 2021, any unaccompanied youth discharged from a publicly funded system of care in our state will be discharged into safe and stable housing, and that this policy applies to any judicial proceeding through which the youth has been committed to the publicly funded system of care or in any collateral proceeding that involves the custody of the youth in that system.

(2) The department of children, youth, and families and the office of homeless youth prevention and protection programs must jointly develop a plan to ensure that, by December 31, 2020, no unaccompanied youth is discharged from a publicly funded system of care into homelessness. The plan must specify actions that state agencies will need to take, any necessary statutory and funding legislative action, and the assignment of those specific state agency actions to effectuate all parts of the plan. By December 31, 2019, the department of children, youth, and families must issue the plan to the appropriate committees of the legislature and the governor.

(3) For the purposes of this section, "publicly funded system of care" means the child welfare system, the behavioral health system, the juvenile justice system, and programs administered by the office of homeless youth prevention and protection programs.

Sec. 2. RCW 46.20.117 and 2017 c 122 s 2 are each amended to read as follows:

(1) **Issuance**. The department shall issue an identicard, containing a picture, if the applicant:

(a) Does not hold a valid Washington driver's license;

(b) Proves his or her identity as required by RCW 46.20.035; and

(c) Pays the required fee. Except as provided in subsection (5) of this section, the fee is fifty-four dollars, unless an applicant is:

(i) A recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services; ((~~or~~))

(ii) Under the age of eighteen and does not have a permanent residence address as determined by the department by rule; or

(iii) An individual who is scheduled to be released from an institution as defined in RCW 13.40.020, a community facility as defined in RCW 72.05.020, or other juvenile rehabilitation facility operated by the department of social and health services or the department of children, youth, and families; or an individual who has been released from such an institution or facility within thirty calendar days before the date of the application.

For those persons under (c)(i) through (iii) of this subsection, the fee must be the actual cost of production of the identicard.

(2)(a) **Design and term**. The identicard must:

(i) Be distinctly designed so that it will not be confused with the official driver's license; and

(ii) Except as provided in subsection (5) of this section, expire on the sixth anniversary of the applicant's birthdate after issuance.

(b) The identicard may include the person's status as a veteran, consistent with RCW 46.20.161(2).

(3) **Renewal**. An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation**. The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) **Alternative issuance/renewal/extension**. The department may issue or renew an identicard for a period other than six years, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than six years, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

NEW SECTION. **Sec. 3.** Section 2 of this act takes effect January 1, 2019.

Passed by the Senate March 6, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 158

[Senate Bill 6580]
HIV TESTING

AN ACT Relating to human immunodeficiency virus (HIV) testing; creating a new section; and repealing RCW 70.24.330 and 70.24.335.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that great advances have been made in medical technology and treatment of the human immunodeficiency virus (HIV). HIV is treatable and a person living with HIV can lead a relatively healthy life, if they have access to health care and are able to achieve viral suppression. Additionally, if a person's virus is undetectable, he or she is unable to transmit the virus. It is critical that people are tested for HIV. Therefore, the legislature finds that any and all barriers to HIV testing must be removed.

NEW SECTION. **Sec. 2.** The following acts or parts of acts are each repealed:

(1) RCW 70.24.330 (HIV testing—Consent, exceptions) and 1988 c 206 s 702; and

(2) RCW 70.24.335 (HIV testing—Opt-out screening) and 2016 c 60 s 2.

Passed by the Senate February 7, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 159

[Engrossed Second Substitute Senate Bill 5179]

HEARING INSTRUMENTS--PUBLIC EMPLOYEE HEALTH PLAN AND MEDICAID COVERAGE

AN ACT Relating to requiring coverage for hearing instruments under public employee and medicaid programs; adding a new section to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Subject to appropriation, a health plan offered to employees and their covered dependents under this chapter issued or renewed on or after January 1, 2019, must include coverage for hearing instruments. Coverage must include a new hearing instrument every five years and services and supplies such as the initial assessment, fitting, adjustment, and auditory training.

(2) The hearing instrument must be recommended by a licensed audiologist, hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology and dispensed by a licensed audiologist, hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology.

(3) For the purposes of this section, "hearing instrument" and "hearing aid specialist" have the same meaning as defined in RCW 18.35.010.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The medical assistance coverage offered under this chapter issued or renewed on or after January 1, 2019, must include coverage for hearing instruments when medically necessary. Coverage must include a new hearing instrument every five years, a new hearing instrument when alterations to the existing hearing instrument cannot meet the needs of the patient, and services and supplies such as the initial assessment, fitting, adjustment, and auditory training.

(2) The hearing instrument must be recommended by a licensed audiologist, hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology and dispensed by a licensed audiologist, hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology.

(3) For purposes of this section, "hearing instrument" and "hearing aid specialist" have the same meaning as defined in RCW 18.35.010.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill or chapter number and section number, is not provided by June 30, 2018, in the omnibus appropriations act, section 2 of this act is null and void.

Passed by the Senate March 5, 2018.
Passed by the House February 28, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 160

[Senate Bill 6113]

ADULT FAMILY HOME LICENSE APPLICATIONS--PRIORITY PROCESSING

AN ACT Relating to priority processing for adult family home license applications; and amending RCW 70.128.064.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 70.128.064 and 2001 c 319 s 10 are each amended to read as follows:

((~~In order to prevent disruption to current residents, at the request of the current licensed provider, the department shall give processing priority to the application of a person seeking to be licensed as the new provider for the adult family home. The department may issue a provisional license~~)) (1) A provisional license permits the operation of an adult family home for a period of time to be determined by the department, not to exceed twelve months, and is not subject to renewal. A provisional license may be issued:

(a) When a currently licensed adult family home provider has applied to be licensed as the new provider for a currently licensed adult family home, the application has been initially processed, and all that remains to complete the application process is an on-site inspection; or

(b) Under exceptional circumstances, such as the sudden and unexpected death of the sole provider of an adult family home.

(2) In order to prevent disruption to current residents, the department shall give priority processing to an application for a change of ownership:

(a) At the request of the currently licensed provider; or

(b) When the department has issued a provisional license.

Passed by the Senate February 13, 2018.
Passed by the House February 27, 2018.
Approved by the Governor March 21, 2018.
Filed in Office of Secretary of State March 23, 2018.

CHAPTER 161

[Substitute Senate Bill 5683]

PACIFIC ISLANDERS--COMPACT OF FREE ASSOCIATION--HEALTH CARE

AN ACT Relating to health care for Pacific Islanders residing in Washington under a compact of free association; adding a new chapter to Title 43 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) The compact of free association (COFA) islands, which consists of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia, has had a long-standing relationship with the United States;

(b) The relationship between the COFA islands and the United States includes economic development and a military presence in the islands;

(c) The region served as a testing ground for atmospheric nuclear weapons between 1946 and 1957, which resulted in past and current inhabitants being exposed to nuclear fallout;

(d) Residents of the COFA islands are allowed to enter the United States without work permits or visas where they live, study, work, serve in the military, and pay state and federal taxes, but are ineligible for federal health programs like medicaid and medicare; and

(e) This ineligibility for federal health programs has exacerbated barriers to health care access for this population, which has led to poorer health outcomes and increased, long-term costs on the health care system as a whole.

(2) The legislature therefore intends to increase access to health care services for COFA islanders residing in Washington by providing premium and cost-sharing assistance for health coverage purchased through the health benefit exchange.

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

(1) "Advance premium tax credit" means the premium assistance amount determined in accordance with the affordable care act.

(2) "Affordable care act" means the federal patient protection and affordable care act, P.L. 111-148, as amended by the federal health care and education reconciliation act of 2010, P.L. 111-152, or federal regulations or guidance issued under the affordable care act.

(3) "Authority" means the Washington state health care authority.

(4) "COFA citizen" means a person who is a citizen of:

(a) The Republic of the Marshall Islands;

(b) The Federated States of Micronesia; or

(c) The Republic of Palau.

(5) "Health benefit exchange" or "exchange" means the Washington health benefit exchange established in chapter 43.71 RCW.

(6) "Income" means the modified adjusted gross income attributed to an individual for purposes of determining his or her eligibility for advance premium tax credits.

(7) "In-network provider" means a health care provider or group of providers that directly contracts with an insurer to provide health benefits covered by a health benefit plan offered by an insurer.

(8) "Open enrollment period" means the period during which a person may enroll in a qualified health plan.

(9) "Out-of-pocket costs" means copayments, coinsurance, deductibles, and other cost-sharing requirements imposed under a qualified health plan for services, pharmaceuticals, devices, and other health benefits that are covered by the plan and rendered by in-network providers.

(10) "Premium cost" means an individual's premium for a qualified health plan less the amount of the individual's advance premium tax credit.

(11) "Qualified health plan" means a health benefit plan sold through the health benefit exchange.

(12) "Resident" means a person who is domiciled in this state.

(13) "Special enrollment period" means a period during which a person who has not done so during the open enrollment period may enroll in a qualified health plan through the exchange if the person meets specified requirements.

NEW SECTION. **Sec. 3.** (1) An individual is eligible for the COFA premium assistance program if the individual:

(a) Is a resident;

(b) Is a COFA citizen;

(c) Enrolls in a silver qualified health plan;

(d) Has income that is less than one hundred thirty-three percent of the federal poverty level; and

(e) Is ineligible for a federal or state medical assistance program administered by the authority under chapter 74.09 RCW.

(2) Subject to the availability of amounts appropriated for this specific purpose, the authority shall pay the premium cost for a qualified health plan and the out-of-pocket costs for the coverage provided by the plan for an individual who is eligible for the premium assistance program under subsection (1) of this section.

(3) The authority may disqualify a participant from the program if the participant:

(a) No longer meets the eligibility criteria in subsection (1) of this section;

(b) Fails, without good cause, to comply with procedural or documentation requirements established by the authority in accordance with subsection (4) of this section;

(c) Fails, without good cause, to notify the authority of a change of address in a timely manner;

(d) Withdraws the participant's application or requests termination of coverage; or

(e) Performs an act, practice, or omission that constitutes fraud, and, as a result, an insurer rescinds the participant's policy for the qualified health plan.

(4) The authority shall establish:

(a) Application, enrollment, and renewal processes for the COFA premium assistance program;

(b) The qualified health plans that are eligible for reimbursement under the program;

(c) Procedural requirements for continued participation in the program, including participant documentation requirements that are necessary for the authority to administer the program;

(d) Open enrollment periods and special enrollment periods consistent with the enrollment periods for the health insurance exchange; and

(e) A comprehensive community education and outreach campaign, working with stakeholder and community organizations, to facilitate applications for, and enrollment in, the program. Subject to the availability of amounts appropriated for this specific purpose, the education and outreach program shall provide culturally and linguistically accessible information to facilitate participation in the program, including but not limited to enrollment procedures, benefit utilization, and patient responsibilities.

(5) The community education and outreach campaign conducted by the authority must begin no later than September 1, 2018.

(6) The first open enrollment period for the COFA premium assistance program must begin no later than November 1, 2018.

NEW SECTION. **Sec. 4.** The authority shall appoint an advisory committee that includes, but is not limited to, insurers and representatives of communities of COFA citizens. The committee shall advise the authority in the development, implementation, and operation of the COFA premium assistance program established in this chapter. The advisory committee must exist until at least December 31, 2019. Subject to the availability of amounts appropriated for this specific purpose, advisory committee members may be reimbursed for transportation and travel expenses related to serving on the committee, as needed.

NEW SECTION. **Sec. 5.** No later than December 31, 2019, the authority shall report to the governor and the legislature on the implementation of the COFA premium assistance program established under this chapter including, but not limited to:

(1) The number of individuals participating in the program;

(2) The actual costs of the program compared to predicted costs;

(3) The results of the community education and outreach campaign; and

(4) Funding needed to continue the program through the end of the biennium.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute a new chapter in Title 43 RCW.

Passed by the Senate March 5, 2018.
Passed by the House February 28, 2018.
Approved by the Governor March 22, 2018.
Filed in Office of Secretary of State March 26, 2018.

CHAPTER 162

[Engrossed Second Substitute Senate Bill 6160]
JUVENILE COURT JURISDICTION

AN ACT Relating to revising conditions under which a person is subject to exclusive adult jurisdiction and extending juvenile court jurisdiction over serious cases to age twenty-five; amending RCW 13.04.030, 13.40.0357, 13.40.110, 13.40.193, 13.40.300, and 13.40.300; reenacting and amending RCW 13.04.030; adding a new section to chapter 13.40 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 13.04.030 and 2009 c 526 s 1 and 2099 c 454 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age. If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters. The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (2) or (e)(i) of this subsection. Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: (((~~I~~))) One or more prior serious violent offenses; (((~~II~~))) two or more prior violent offenses; or (((~~III~~))) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately; or

(C) ((~~Robbery in the first degree, rape of a child in the first degree, or drive-by shooting, committed on or after July 1, 1997;~~

~~(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or~~

~~(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm~~)) Rape of a child in the first degree.

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)((~~(E)~~)) (C)(II) and (III) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall ((~~enter an order extending~~)) maintain residual juvenile court jurisdiction up to age twenty-five if the juvenile has turned eighteen years of age during the adult criminal court proceedings but only for the purpose of returning a case to juvenile court for disposition pursuant to RCW 13.40.300 (3)(d). However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing.

(III) The prosecutor and respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction in (e)(v)(A) through ((~~(E)~~)) (C) of this subsection and remove the proceeding back to juvenile court with the court's approval.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction;

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family court over child custody proceedings under chapter 26.10 RCW and

parenting plans or residential schedules under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

Sec. 2. RCW 13.04.030 and 2017 3rd sp.s. c 6 s 602 are each amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age. If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters. The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: (((~~(I)~~))) One or more prior serious violent offenses;

(((~~(II)~~))) two or more prior violent offenses; or (((~~(III)~~))) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately; or

(C) ((~~Robbery in the first degree, rape of a child in the first degree, or drive-by shooting, committed on or after July 1, 1997;~~

~~(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or~~

~~(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm~~)) Rape of a child in the first degree.

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)(((~~(E)~~))) (C)(II) and (III) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall ((~~enter an order extending~~)) maintain residual juvenile court jurisdiction up to age twenty-five if the juvenile has turned eighteen years of age during the adult criminal court proceedings but only for the purpose of returning a case to juvenile court for disposition pursuant to RCW 13.40.300 (3)(d). However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing.

(III) The prosecutor and respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction in (e)(v)(A) through (((~~(E)~~))) (C) of this subsection and remove the proceeding back to juvenile court with the court's approval.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction;

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services and the department of children, youth, and families.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family court over child custody proceedings under chapter 26.10 RCW and parenting plans or residential schedules under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

Sec. 3. RCW 13.40.0357 and 2016 c 106 s 2 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
. . . . .		
	Arson and Malicious Mischief	
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+
	Assault and Other Crimes Involving Physical Harm	
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
. . . . .		
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045) committed at age 15 or under	C+
A++	Drive-By Shooting (9A.36.045) committed at age 16 or 17	A+
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+
	Burglary and Trespass	
B+	Burglary 1 (9A.52.020) committed at age 15 or under	C+
A-	Burglary 1 (9A.52.020) committed at age 16 or 17	B+
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Mineral Trespass (78.44.330)	C
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E
	Drugs	
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D+
E	Possession of Legend Drug (69.41.030(2)(b))	E
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B+

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
. . . . .		
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C
E	Possession of Marihuana <40 grams (69.50.4014)	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C
	Firearms and Weapons	
B	Theft of Firearm (9A.56.300)	C
B	Possession of Stolen Firearm (9A.56.310)	C
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (<18) (9.41.040(2)(a) (iv))	C
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E
	Homicide	
A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
. . . . .		
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+
	Kidnapping	
A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+
	Obstructing Governmental Operation	
D	Obstructing a Law Enforcement Officer (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+
	Public Disturbance	
C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+
D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E
	Sex Crimes	
A	Rape 1 (9A.44.040)	B+
B++	Rape 2 (9A.44.050) committed at age 14 or under	B+
A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+
C+	Rape 3 (9A.44.060)	D+
B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+
A-	Rape of a Child 1 (9A.44.073) committed at age 15	B+
B+	Rape of a Child 2 (9A.44.076)	C+

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
. . . . .		
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	Indecent Exposure (Victim <14) (9A.88.010)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
B++	Child Molestation 1 (9A.44.083) committed at age 14 or under	B+
A-	Child Molestation 1 (9A.44.083) committed at age 15 through age 17	B+
B	Child Molestation 2 (9A.44.086)	C+
C	Failure to Register as a Sex Offender (9A.44.132)	D
	Theft, Robbery, Extortion, and Forgery	
B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200) committed at age 15 or under	B+
A++	Robbery 1 (9A.56.200) committed at age 16 or 17	A+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
C	Identity Theft 1 (9.35.020(2))	D
D	Identity Theft 2 (9.35.020(3))	E
D	Improperly Obtaining Financial Information (9.35.010)	E

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
. . . . .		
B	Possession of a Stolen Vehicle (9A.56.068)	C
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C
C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D
B	Theft of a Motor Vehicle (9A.56.065)	C
	Motor Vehicle Related Crimes	
E	Driving Without a License (46.20.005)	E
B+	Hit and Run - Death (46.52.020(4)(a))	C+
C	Hit and Run - Injury (46.52.020(4)(b))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
B+	Felony Driving While Under the Influence (46.61.502(6))	B
B+	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B
	Other	
B	Animal Cruelty 1 (16.52.205)	C
B	Bomb Threat (9.61.160)	C
C	Escape 1[1] (9A.76.110)	C
C	Escape 2[1] (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
. . . . .		
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200)[2]	V

[1]Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - ((~~4 weeks~~)) 28 days confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

[2]If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.

OPTION A

JUVENILE OFFENDER SENTENCING GRID

STANDARD RANGE

A+	129 to 260 weeks for all category A++ offenses
A+	180 weeks to age 21 for all category A+ offenses
A	103-129 weeks for all category A offenses

OPTION A

JUVENILE OFFENDER SENTENCING GRID

STANDARD RANGE

	A -	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
	B +	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
	+	((~~Except 30-40 weeks for 15 to 17 year olds~~))				
	B +	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
CURRENT OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
CATEGORY	C +	LS	LS	LS	15-36 weeks	15-36 weeks
	C	LS	LS	LS	LS	15-36 weeks
	D +	LS	LS	LS	LS	LS
	D	LS	LS	LS	LS	LS
	E	LS	LS	LS	LS	LS
PRIOR ADJUDICATIONS		0	1	2	3	4 or more

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B
SUSPENDED DISPOSITION ALTERNATIVE

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender ((~~is~~)):

(a) Is adjudicated of an A+ or A++ offense;

(b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060); ((~~or~~))

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), ((~~robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030),~~)) drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), ((~~intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401 (2)(a) and (b)),~~)) or manslaughter 2 (RCW 9A.32.070)((~~, when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon~~));

or

(iv) Violation of the uniform controlled substances act (RCW 69.50.401(2)(a) and (b)), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Is ordered to serve a disposition for a firearm violation under RCW 13.40.193; ((~~or~~))

(d) Is adjudicated of a sex offense as defined in RCW 9.94A.030; or

(e) Has a prior option B disposition.

OR

OPTION C

CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed ((~~an A- or~~)) a B++ or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

OPTION D

MANIFEST INJUSTICE

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 4. RCW 13.40.110 and 2009 c 454 s 3 are each amended to read as follows:

(1) Discretionary decline hearing - The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction only if:

(a) The respondent is, at the time of proceedings, at least fifteen years of age or older and is charged with a serious violent offense as defined in RCW 9.94A.030; or

(b) The respondent is, at the time of proceedings, fourteen years of age or younger and is charged with murder in the first degree (RCW 9A.32.030), and/or murder in the second degree (RCW 9A.32.050).

(2) Mandatory decline hearing - Unless waived by the court, the parties, and their counsel, a decline hearing shall be held when((~~:~~

~~(a) The respondent is sixteen or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony;~~

~~(b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnapping in the second degree, or robbery in the second degree; or~~

~~(c)~~)) the information alleges an escape by the respondent and the respondent is serving a minimum juvenile sentence to age twenty-one.

(3) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(4) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

Sec. 5. RCW 13.40.193 and 2014 c 117 s 1 are each amended to read as follows:

(1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(2)(a)(((~~(iii)~~))) (iv), the court shall impose a minimum disposition of ten days of confinement. If the offender's standard range of disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2)(a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(b) For purposes of this section, "qualifying program" means an aggression replacement training program, a functional family therapy program, or another program applicable to the juvenile firearm offender population that has been identified as evidence-based or research-based and cost-beneficial in the current list prepared at the direction of the legislature by the Washington state institute for public policy.

(3) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun in a felony, the following periods of total confinement must be added to the sentence: ((~~For a~~)) (a) Except for (b) of this subsection, for a class A felony, six months; for a class B felony, four months; and for a class C felony, two months; (b) for any violent offense as defined in RCW 9.94A.030, committed by a respondent who is sixteen or seventeen years old at the time of the offense, a period of twelve months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357.

(4)(a) If the court finds that the respondent who is sixteen or seventeen years old and committed the offense of robbery in the first degree, drive-by shooting, burglary in the first degree, or any violent offense as defined in RCW 9.94A.030 and was armed with a firearm, and the court finds that the respondent's participation was related to membership in a criminal street gang or advancing the benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang, a period of three months total confinement must be added to the sentence. The additional time must be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357 and must be served consecutively with any other sentencing enhancement.

(b) For the purposes of this section, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(5) When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

((~~(5)~~)) (6) Any term of confinement ordered pursuant to this section shall run consecutively to any term of confinement imposed in the same disposition for other offenses.

Sec. 6. RCW 13.40.300 and 2005 c 238 s 2 are each amended to read as follows:

(1) ((~~In no case may~~)) Except as provided in subsection (2) of this section, a juvenile offender may not be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday.

(2) A juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), may be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution up to the juvenile offender's twenty-fifth birthday, but not beyond.

(3) A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) Proceedings are pending seeking the adjudication of a juvenile offense and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday, except:

(i) If the court enters a written order extending jurisdiction under this subsection, it shall not extend jurisdiction beyond the juvenile's twenty-first birthday;

(ii) If the order fails to specify a specific date, it shall be presumed that jurisdiction is extended to age twenty-one; and

(iii) If the juvenile court previously extended jurisdiction beyond the juvenile's eighteenth birthday, and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons;

(b) The juvenile has been found guilty after a fact finding or after a plea of guilty and an automatic extension is necessary to allow for the imposition of disposition;

(c) Disposition has been held and an automatic extension is necessary to allow for the execution and enforcement of the court's order of disposition((.)), subject to the following:

(i) If an order of disposition imposes commitment to the department, then jurisdiction is automatically extended to include a period of up to twelve months of parole, in no case extending beyond the offender's twenty-first birthday, except;

(ii) If an order of disposition imposes a commitment to the department for a juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is automatically extended to include a period of up to twenty-four months of parole, in no case extending beyond the offender's twenty-fifth birthday; ((~~or~~))

(d) While proceedings are pending in a case in which jurisdiction ((~~has been transferred to~~)) is vested in the adult criminal court pursuant to RCW 13.04.030, the juvenile turns eighteen years of age and is subsequently found not guilty of the charge for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense, and an automatic extension is necessary to impose the disposition as required by RCW 13.04.030(1)(e)(v)(((~~E~~))) (C)(II); or

(e) Pursuant to the terms of RCW 13.40.190 and 13.40.198, the juvenile court maintains jurisdiction beyond the juvenile offender's twenty-first birthday for the purpose of enforcing an order of restitution or penalty assessment.

(((~~(2) If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons.~~

~~(3)~~)) (4) Except as otherwise provided herein, in no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday ((~~except for the purpose of enforcing an order of restitution or penalty assessment~~)).

(((~~(4)~~))) (5) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

Sec. 7. RCW 13.40.300 and 2017 3rd sp.s. c 6 s 613 are each amended to read as follows:

(1) ((~~In no case may~~)) Except as provided in subsection (2) of this section, a juvenile offender may not be committed by the juvenile court to the department of children, youth, and families for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday.

(2) A juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), may be committed by the juvenile court to the department of children, youth, and families for placement in a juvenile correctional institution up to the juvenile offender's twenty-fifth birthday, but not beyond.

(3) A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of children, youth, and families beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) Proceedings are pending seeking the adjudication of a juvenile offense and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday, except:

(i) If the court enters a written order extending jurisdiction under this subsection, it shall not extend jurisdiction beyond the juvenile's twenty-first birthday;

(ii) If the order fails to specify a specific date, it shall be presumed that jurisdiction is extended to age twenty-one; and

(iii) If the juvenile court previously extended jurisdiction beyond the juvenile's eighteenth birthday, and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons;

(b) The juvenile has been found guilty after a fact finding or after a plea of guilty and an automatic extension is necessary to allow for the imposition of disposition;

(c) Disposition has been held and an automatic extension is necessary to allow for the execution and enforcement of the court's order of disposition((~~.~~)), subject to the following:

(i) If an order of disposition imposes commitment to the department, then jurisdiction is automatically extended to include a period of up to twelve months of parole, in no case extending beyond the offender's twenty-first birthday, except;

(ii) If an order of disposition imposes a commitment to the department for a juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is automatically extended to include a period of up to twenty-four months of parole, in no case extending beyond the offender's twenty-fifth birthday; ((~~or~~))

(d) While proceedings are pending in a case in which jurisdiction ((~~has been transferred to~~)) is vested in the adult criminal court pursuant to RCW 13.04.030, the juvenile turns eighteen years of age and is subsequently found not guilty of the charge for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense, and an automatic extension is necessary to impose the disposition as required by RCW 13.04.030(1)(e)(v)(((~~E~~))) (C)(II); or

(e) Pursuant to the terms of RCW 13.40.190 and 13.40.198, the juvenile court maintains jurisdiction beyond the juvenile offender's twenty-first birthday for the purpose of enforcing an order of restitution or penalty assessment.

((~~(2) If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons.~~

(~~3~~))) (4) Except as otherwise provided herein, in no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday ((~~except for the purpose of enforcing an order of restitution or penalty assessment~~)).

(((~~(4)~~))) (5) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

NEW SECTION. **Sec. 8.** A new section is added to chapter 13.40 RCW to read as follows:

The department must take appropriate actions to protect younger children in confinement from older youth who may be confined pursuant to this act, recognizing both the potential for positive mentorship and the potential risks relating to victimization and the exercise of negative influence. The court may exercise oversight if needed to accomplish the goals of this section.

NEW SECTION. **Sec. 9.** The Washington state institute for public policy must assess the impact of this act on community safety, racial disproportionality, recidivism, state expenditures, and youth rehabilitation, to the extent possible, and submit, in compliance with RCW 43.01.036, a preliminary report to the governor and the appropriate committees of the legislature by December 1, 2023, and a final report to the governor and the appropriate committees of the legislature by December 1, 2031.

NEW SECTION. **Sec. 10.** Sections 1 and 6 of this act expire July 1, 2019.

NEW SECTION. **Sec. 11.** Sections 2 and 7 of this act take effect July 1, 2019.

Passed by the Senate March 5, 2018.
Passed by the House February 28, 2018.
Approved by the Governor March 22, 2018.
Filed in Office of Secretary of State March 26, 2018.

CHAPTER 163

[House Bill 1336]

DISABILITY COMPENSATION--SOCIAL SECURITY OFFSET

AN ACT Relating to the social security offset to disability compensation; amending RCW 51.32.225; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 51.32.225 and 2006 c 163 s 1 are each amended to read as follows:

(1) For persons receiving compensation for temporary or permanent total disability under this title, the compensation shall be reduced by the department to allow an offset for social security retirement benefits payable under the federal social security, old age survivors, and disability insurance act, 42 U.S.C. This reduction shall not apply to any worker who is receiving permanent total disability benefits prior to July 1, 1986. This reduction does not apply to workers who had applied to receive social security retirement benefits prior to the date of their injury or to workers who were receiving social security benefits prior to their injury.

(2) Reductions for social security retirement benefits under this section shall comply with the procedures in RCW 51.32.220 (1) through (6) and with any other procedures established by the department to administer this section. For any worker whose entitlement to social security retirement benefits is

immediately preceded by an entitlement to social security disability benefits, the offset shall be based on the formulas provided under 42 U.S.C. Sec. 424a. For all other workers entitled to social security retirement benefits, the offset shall be based on procedures established and determined by the department to most closely follow the intent of RCW 51.32.220.

(3) Any reduction in compensation made under chapter 58, Laws of 1986, shall be made before the reduction established in this section.

NEW SECTION. **Sec. 2.** This act applies to claims with dates of injury on or after the effective date of this section.

Passed by the House February 7, 2018.
Passed by the Senate March 2, 2018.
Approved by the Governor March 22, 2018.
Filed in Office of Secretary of State March 26, 2018.

CHAPTER 164

[Engrossed Substitute House Bill 2580]
RENEWABLE NATURAL GAS

AN ACT Relating to promoting renewable natural gas; amending RCW 82.04.260, 82.08.900, 82.08.962, 82.12.900, 82.12.962, 84.36.635, and 82.29A.135; creating new sections; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** This section is the tax preference performance statement for the tax preferences contained in sections 4, 6, 8, and 9, chapter . . ., Laws of 2018 (sections 4, 6, 8, and 9 of this act). The performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(1) The legislature categorizes the tax preferences as ones intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(2) It is the legislature's specific public policy objective to increase the production of renewable natural gas in Washington state. It is the legislature's intent to reinstate and expand tax incentives for certain landfills and anaerobic digesters in order to stimulate investment in biogas capture and conditioning, compression, nutrient recovery, and use of renewable natural gas for heating, electricity generation, and transportation fuel.

(3) To measure the effectiveness of the tax preferences in sections 4, 6, 8, and 9, chapter . . ., Laws of 2018 (sections 4, 6, 8, and 9 of this act) in achieving the public policy objectives described in subsection (2) of this section, the joint legislative audit and review committee must evaluate the number of public and private landfills and anaerobic digesters producing renewable natural gas in the state and the extent to which they are utilizing these incentives.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the department of revenue must provide data needed for the joint legislative audit and review committee analysis. In addition to the data source described under this subsection, the joint legislative audit and review committee may use any other data it deems necessary.

NEW SECTION. **Sec. 2.** RENEWABLE NATURAL GAS QUALITY STANDARD AND REPORT TO THE LEGISLATURE. (1) By September 1, 2018, and in compliance with RCW 43.01.036, the Washington State University extension energy program and the department of commerce, in consultation with the Washington utilities and transportation commission, must submit recommendations to the governor's office and the energy committees of the legislature on how to promote the sustainable development of renewable natural gas in the state, including a detailed inventory of the practical opportunities and costs associated with renewable natural gas production in the state, specific opportunities for state agencies and public facilities to take advantage of renewable natural gas potential, recommendations for limiting the life-cycle carbon intensity of the renewable natural gas to the extent feasible, and whether to adopt a procurement standard for renewable natural gas.

(2) The department of commerce, in consultation with the department of ecology, the Washington utilities and transportation commission, and the department of health, must explore development of voluntary gas quality standards for the injection of renewable natural gas into the natural gas pipeline system. The purpose of such standards should be to identify acceptable levels of constituents of concern for safety and environmental purposes, including ensuring pipeline integrity, while providing reasonable and predictable access to pipeline transmission and distribution facilities. The department of commerce must consult industry groups and identify industry best practices.

(3) For the purposes of this section, "renewable natural gas" means a methane-rich gas derived from organic feedstocks that has been conditioned to meet standards for natural gas derived from fossil fuel sources.

Sec. 3. RCW 82.04.260 and 2017 c 135 s 11 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2025, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c)(i) Except as provided otherwise in (c)(iii) of this subsection, from July 1, 2025, until January 1, 2036, dairy products; or selling dairy products that the person has manufactured to purchasers who either transport in the ordinary course of business the goods out of state or purchasers who use such dairy products as an ingredient or component in the manufacturing of a dairy product;

as to such persons the tax imposed is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state or sold to a manufacturer for use as an ingredient or component in the manufacturing of a dairy product.

(ii) For the purposes of this subsection (1)(c), "dairy products" means:

(A) Products, not including any marijuana-infused product, that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products, such as whey and casein; and

(B) Products comprised of not less than seventy percent dairy products that qualify under (c)(ii)(A) of this subsection, measured by weight or volume.

(iii) The preferential tax rate provided to taxpayers under this subsection (1)(c) does not apply to sales of dairy products on or after July 1, 2023, where a dairy product is used by the purchaser as an ingredient or component in the manufacturing in Washington of a dairy product;

(d)(i) Beginning July 1, 2025, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(ii) For purposes of this subsection (1)(d), "fruits" and "vegetables" do not include marijuana, useable marijuana, or marijuana-infused products; and

(e) ((~~Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and~~

~~(f)~~)) Wood biomass fuel ((~~as defined in RCW 82.29A.135~~)); as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate of 0.138 percent. For the purposes of this section, "wood biomass fuel" means a liquid or gaseous fuel that is produced from lignocellulosic feedstocks, including wood, forest, field residue, and dedicated energy crops, and that does not include wood treated with chemical preservations such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8)(a) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business is equal to the gross income

of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

(b) If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through June 30, 2007; and

(ii) 0.2904 percent beginning July 1, 2007.

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection (11) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(c) For the purposes of this subsection (11), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person reporting under the tax rate provided in this subsection (11) must file a complete annual tax performance report with the department under RCW 82.32.534.

(e)(i) Except as provided in (e)(ii) of this subsection (11), this subsection (11) does not apply on and after July 1, 2040.

(ii) With respect to the manufacturing of commercial airplanes or making sales, at retail or wholesale, of commercial airplanes, this subsection (11) does not apply on and after July 1st of the year in which the department makes a determination that any final assembly or wing assembly of any version or variant of a commercial airplane that is the basis of a siting of a significant commercial

airplane manufacturing program in the state under RCW 82.32.850 has been sited outside the state of Washington. This subsection (11)(e)(ii) only applies to the manufacturing or sale of commercial airplanes that are the basis of a siting of a significant commercial airplane manufacturing program in the state under RCW 82.32.850.

(12)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including by-products, manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that person from timber or timber products; as to such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) Until July 1, 2024, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection (12)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include

books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection (12)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection (12) must file a complete annual tax performance report with the department under RCW 82.32.534.

(13) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(14)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.35 percent until July 1, 2024, and 0.484 percent thereafter.

(b) A person reporting under the tax rate provided in this subsection (14) must file a complete annual tax performance report with the department under RCW 82.32.534.

Sec. 4. RCW 82.08.900 and 2015 c 86 s 202 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales to an eligible person:

(a) In respect to equipment necessary to process biogas from a landfill into marketable coproducts, including but not limited to biogas conditioning, compression, and electrical generation equipment, or to services rendered in respect to installing, constructing, repairing, cleaning, altering, or improving equipment necessary to process biogas from a landfill into marketable coproducts; and

(b) Establishing or operating an anaerobic digester or to services rendered in respect to installing, constructing, repairing, cleaning, altering, or improving an anaerobic digester, or to sales of tangible personal property that becomes an

ingredient or component of the anaerobic digester. ((~~The anaerobic digester must be used primarily to treat livestock manure.~~))

(2) A person claiming an exemption under this section must keep records necessary for the department to verify eligibility under this section. Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) The definitions in this subsection apply to this section and RCW 82.12.900 unless the context clearly requires otherwise:

(a) "Anaerobic digester" means a facility that processes ((~~manure from livestock into biogas and dried manure~~)) organic material into biogas and digestate using microorganisms in a decomposition process within a closed, oxygen-free container as well as the equipment necessary to process biogas or digestate produced by an anaerobic digester into marketable coproducts, including but not limited to biogas conditioning, compression, nutrient recovery, and electrical generation equipment.

(b) "Eligible person" means any person establishing or operating an anaerobic digester ((~~to treat primarily livestock manure~~)) or landfill or processing biogas from an anaerobic digester or landfill into marketable coproducts.

(((~~(c) "Primarily" means more than fifty percent measured by volume or weight.~~)))

Sec. 5. RCW 82.08.962 and 2017 3rd sp.s. c 36 s 14 are each amended to read as follows:

(1)(a) Except as provided in RCW 82.08.963, purchasers who have paid the tax imposed by RCW 82.08.020 on machinery and equipment used directly in generating electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, ((~~anaerobic digestion,~~)) or technology that converts otherwise lost energy from exhaust, ((~~or landfill gas~~)) as the principal source of power, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, are eligible for an exemption as provided in this section, but only if the purchaser develops with such machinery, equipment, and labor a facility capable of generating not less than one thousand watts of electricity.

(b) ((~~Beginning on July 1, 2009, through June 30, 2011, the tax levied by RCW 82.08.020 does not apply to the sale of machinery and equipment described in (a) of this subsection that are used directly in generating electricity or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment.~~

~~(c)~~)) Beginning on July 1, 2011, through January 1, 2020, the amount of the exemption under this subsection (1) is equal to seventy-five percent of the state and local sales tax paid. The purchaser is eligible for an exemption under this subsection (1)(((~~(c)~~))) (b) in the form of a remittance.

(2) For purposes of this section and RCW 82.12.962, the following definitions apply:

(a) "Biomass energy" includes: (i) By-products of pulping and wood manufacturing process; (ii) animal waste; (iii) solid organic fuels from wood; (iv) forest or field residues; (v) wooden demolition or construction debris; (vi) food waste; (vii) liquors derived from algae and other sources; (viii) dedicated

energy crops; (ix) biosolids; and (x) yard waste. "Biomass energy" does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old growth forests; or municipal solid waste.

(b) "Fuel cell" means an electrochemical reaction that generates electricity by combining atoms of hydrogen and oxygen in the presence of a catalyst.

(c) ((~~"Landfill gas" means biomass fuel, of the type qualified for federal tax credits under Title 26 U.S.C. Sec. 29 of the federal internal revenue code, collected from a "landfill" as defined under RCW 70.95.030.~~

~~(d)~~))(i) "Machinery and equipment" means fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, ((~~anaerobic digestion,~~)) or technology that converts otherwise lost energy from exhaust((~~, or landfill gas as the principal source of power~~)).

(ii) "Machinery and equipment" does not include: (A) Hand-powered tools; (B) property with a useful life of less than one year; (C) repair parts required to restore machinery and equipment to normal working order; (D) replacement parts that do not increase productivity, improve efficiency, or extend the useful life of machinery and equipment; (E) buildings; or (F) building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building.

(3)(a) Machinery and equipment is "used directly" in generating electricity by wind energy, solar energy, biomass energy, tidal or wave energy, geothermal resources, ((~~anaerobic digestion,~~)) or technology that converts otherwise lost energy from exhaust((~~, or landfill gas power~~)) if it provides any part of the process that captures the energy of the wind, sun, biomass energy, tidal or wave energy, geothermal resources, ((~~anaerobic digestion,~~)) or technology that converts otherwise lost energy from exhaust, ((~~or landfill gas,~~)) converts that energy to electricity, and stores, transforms, or transmits that electricity for entry into or operation in parallel with electric transmission and distribution systems.

(b) Machinery and equipment is "used directly" in generating electricity by fuel cells if it provides any part of the process that captures the energy of the fuel, converts that energy to electricity, and stores, transforms, or transmits that electricity for entry into or operation in parallel with electric transmission and distribution systems.

(4)(a) A purchaser claiming an exemption in the form of a remittance under subsection (1)(((~~(c)~~))) (b) of this section must pay the tax imposed by RCW 82.08.020 and all applicable local sales taxes imposed under the authority of chapters 82.14 and 81.104 RCW. The purchaser may then apply to the department for remittance in a form and manner prescribed by the department. A purchaser may not apply for a remittance under this section more frequently than once per quarter. The purchaser must specify the amount of exempted tax claimed and the qualifying purchases for which the exemption is claimed. The purchaser must retain, in adequate detail, records to enable the department to determine whether the purchaser is entitled to an exemption under this section, including: Invoices; proof of tax paid; and documents describing the machinery and equipment.

(b) The department must determine eligibility under this section based on the information provided by the purchaser, which is subject to audit verification

by the department. The department must on a quarterly basis remit exempted amounts to qualifying purchasers who submitted applications during the previous quarter.

(5) The exemption provided by this section expires September 30, 2017, as it applies to: (a) Machinery and equipment that is used directly in the generation of electricity using solar energy and capable of generating no more than five hundred kilowatts of electricity; or (b) sales of or charges made for labor and services rendered in respect to installing such machinery and equipment.

(6) This section expires January 1, 2020.

Sec. 6. RCW 82.12.900 and 2006 c 151 s 5 are each amended to read as follows:

The provisions of this chapter do not apply with respect to:

(1) Equipment necessary to process biogas from a landfill into marketable coproducts, including but not limited to biogas conditioning, compression, and electrical generation equipment, or to services rendered in respect to installing, constructing, repairing, cleaning, altering, or improving equipment necessary to process biogas from a landfill into marketable coproducts; and

(2) The use of anaerobic digesters, tangible personal property that becomes an ingredient or component of anaerobic digesters, or the use of services rendered in respect to installing, repairing, cleaning, altering, or improving eligible tangible personal property by an eligible person establishing or operating an anaerobic digester, as defined in RCW 82.08.900. ((~~The anaerobic digester must be used primarily to treat livestock manure.~~))

Sec. 7. RCW 82.12.962 and 2017 3rd sp.s. c 36 s 16 are each amended to read as follows:

(1)(a) Except as provided in RCW 82.12.963, consumers who have paid the tax imposed by RCW 82.12.020 on machinery and equipment used directly in generating electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, ((~~anaerobic digestion,~~)) or technology that converts otherwise lost energy from exhaust, ((~~or landfill gas as the principal source of power,~~)) or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, are eligible for an exemption as provided in this section, but only if the purchaser develops with such machinery, equipment, and labor a facility capable of generating not less than one thousand watts of electricity.

(b) ((~~Beginning on July 1, 2009, through June 30, 2011, the provisions of this chapter do not apply in respect to the use of machinery and equipment described in (a) of this subsection that are used directly in generating electricity or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment.~~

~~(c)~~)) Beginning on July 1, 2011, through January 1, 2020, the amount of the exemption under this subsection (1) is equal to seventy-five percent of the state and local sales tax paid. The consumer is eligible for an exemption under this subsection (1)(((~~(c)~~))) (b) in the form of a remittance.

(2)(a) A person claiming an exemption in the form of a remittance under subsection (1)(((~~(c)~~))) (b) of this section must pay the tax imposed by RCW 82.12.020 and all applicable local use taxes imposed under the authority of chapters 82.14 and 81.104 RCW. The consumer may then apply to the

department for remittance in a form and manner prescribed by the department. A consumer may not apply for a remittance under this section more frequently than once per quarter. The consumer must specify the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The consumer must retain, in adequate detail, records to enable the department to determine whether the consumer is entitled to an exemption under this section, including: Invoices; proof of tax paid; and documents describing the machinery and equipment.

(b) The department must determine eligibility under this section based on the information provided by the consumer, which is subject to audit verification by the department. The department must on a quarterly basis remit exempted amounts to qualifying consumers who submitted applications during the previous quarter.

(3) Purchases exempt under RCW 82.08.962 are also exempt from the tax imposed under RCW 82.12.020.

(4) The definitions in RCW 82.08.962 apply to this section.

(5) The exemption provided in subsection (1) of this section does not apply:

(a) To machinery and equipment used directly in the generation of electricity using solar energy and capable of generating no more than five hundred kilowatts of electricity, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, when first use within this state of such machinery and equipment, or labor and services, occurs after September 30, 2017; and

(b) To any other machinery and equipment described in subsection (1)(a) of this section, or to sales of or charges made for labor and services rendered in respect to installing such machinery or equipment, when first use within this state of such machinery and equipment, or labor and services, occurs after December 31, 2019.

(6) This section expires January 1, 2020.

Sec. 8. RCW 84.36.635 and 2010 1st sp.s. c 11 s 4 are each amended to read as follows:

(1) For the purposes of this section((~~:~~

~~(a) "Alcohol fuel" means any alcohol made from a product other than petroleum or natural gas, which is used alone or in combination with gasoline or other petroleum products for use as a fuel for motor vehicles, farm implements, and machines or implements of husbandry.~~

~~(b)~~)), "anaerobic digester" has the same meaning as provided in RCW 82.08.900.

(((~~(c) "Biodiesel feedstock" means oil that is produced from an agricultural crop for the sole purpose of ultimately producing biodiesel fuel.~~

~~(d) "Biodiesel fuel" means a mono alkyl ester of long chain fatty acids derived from vegetable oils or animal fats for use in compression-ignition engines and that meets the requirements of the American society of testing and materials specification D 6751 in effect as of January 1, 2003.~~))

(2)(((~~(a)~~))) All buildings, machinery, equipment, and other personal property which are used primarily for ((~~the manufacturing of alcohol fuel, biodiesel fuel, biodiesel feedstock, or~~)) the operation of an anaerobic digester, the land upon which this property is located, and land that is reasonably necessary in the ((~~manufacturing of alcohol fuel, biodiesel fuel, biodiesel feedstock, or the~~))

operation of an anaerobic digester, ((~~but not land necessary for growing of crops, which together comprise a new manufacturing facility or an addition to an existing manufacturing facility,~~)) are exempt from property taxation for the six assessment years following the date on which the facility or the addition to the existing facility becomes operational.

(((~~(b) For manufacturing facilities which produce products in addition to alcohol fuel, biodiesel fuel, or biodiesel feedstock, the amount of the property tax exemption is based upon the annual percentage of the total value of all products manufactured that is the value of the alcohol fuel, biodiesel fuel, and biodiesel feedstock manufactured.~~))

(3) Claims for exemptions authorized by this section must be filed with the county assessor on forms prescribed by the department of revenue and furnished by the assessor. Once filed, the exemption is valid for six ((~~years~~)) assessment years following the date on which the facility or the addition to the existing facility becomes operational and may not be renewed. The assessor must verify and approve claims as the assessor determines to be justified and in accordance with this section. No claims may be filed after December 31, ((~~2015, except for claims for anaerobic digesters, which may be filed no later than December 31, 2012~~)) 2024.

(4) The department of revenue may promulgate such rules, pursuant to chapter 34.05 RCW, as necessary to properly administer this section.

Sec. 9. RCW 82.29A.135 and 2010 1st sp.s. c 11 s 6 are each amended to read as follows:

(1) For the purposes of this section((~~:~~

~~(a) "Alcohol fuel" means any alcohol made from a product other than petroleum or natural gas, which is used alone or in combination with gasoline or other petroleum products for use as a fuel for motor vehicles, farm implements, and machines or implements of husbandry.~~

~~(b)~~)), "anaerobic digester" has the same meaning as provided in RCW 82.08.900.

(((~~(c) "Biodiesel feedstock" means oil that is produced from an agricultural crop for the sole purpose of ultimately producing biodiesel fuel.~~

~~(d) "Biodiesel fuel" means a mono alkyl ester of long chain fatty acids derived from vegetable oils or animal fats for use in compression-ignition engines and that meets the requirements of the American society of testing and materials specification D 6751 in effect as of January 1, 2003.~~

~~(e) "Wood biomass fuel" means a pyrolytic liquid fuel or synthesis gas-derived liquid fuel, used in internal combustion engines, and produced from wood, forest, or field residue, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.~~))

(2)(((~~(a)~~))) All leasehold interests in buildings, machinery, equipment, and other personal property which are used primarily for ((~~the manufacturing of alcohol fuel, wood biomass fuel, biodiesel fuel, biodiesel feedstock, or~~)) the operation of an anaerobic digester, the land upon which this property is located, and land that is reasonably necessary in the ((~~manufacturing of alcohol fuel, wood biomass fuel, biodiesel fuel, biodiesel feedstock, or the~~)) operation of an anaerobic digester((~~, but not land necessary for growing of crops, which together comprise a new manufacturing facility or an addition to an existing~~

~~manufacturing facility,~~)) are exempt from leasehold taxes for a period of six years from the date on which the facility or the addition to the existing facility becomes operational.

((~~(b) For manufacturing facilities which produce products in addition to alcohol fuel, wood biomass fuel, biodiesel fuel, or biodiesel feedstock, the amount of the leasehold tax exemption is based upon the annual percentage of the total value of all products manufactured that is the value of the alcohol fuel, wood biomass fuel, biodiesel fuel, and biodiesel feedstock manufactured.~~))

(3) Claims for exemptions authorized by this section must be filed with the department of revenue on forms prescribed by the department of revenue and furnished by the department of revenue. Once filed, the exemption is valid for six ((~~years~~)) assessment years following the date on which the facility or the addition to the existing facility becomes operational and may not be renewed. The department of revenue must verify and approve claims as the department of revenue determines to be justified and in accordance with this section. No claims may be filed after December 31, ((~~2015, except for claims for anaerobic digesters, which may be filed no later than December 31, 2012~~)) 2024.

(4) The department of revenue may promulgate such rules, pursuant to chapter 34.05 RCW, as are necessary to properly administer this section.

NEW SECTION. **Sec. 10.** This act takes effect July 1, 2018.

Passed by the House March 8, 2018.
Passed by the Senate March 7, 2018.
Approved by the Governor March 22, 2018.
Filed in Office of Secretary of State March 26, 2018.

CHAPTER 165

[House Bill 2611]

LAW ENFORCEMENT PEER SUPPORT GROUP COUNSELORS--TESTIMONIAL PRIVILEGE

AN ACT Relating to the privilege for peer support group counselors; and reenacting and amending RCW 5.60.060.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 5.60.060 and 2016 sp.s. c 29 s 402 and 2016 sp.s. c 24 s 1 are each reenacted and amended to read as follows:

(1) A spouse or domestic partner shall not be examined for or against his or her spouse or domestic partner, without the consent of the spouse or domestic partner; nor can either during marriage or during the domestic partnership or afterward, be without the consent of the other, examined as to any communication made by one to the other during the marriage or the domestic partnership. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse or domestic partner if the marriage or the domestic partnership occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said spouse or domestic partner against any child of whom said spouse or domestic partner is the parent or guardian, nor to a proceeding under chapter 71.05 or 71.09 RCW: PROVIDED, That the spouse or the domestic partner of a person sought to be

detained under chapter 71.05 or 71.09 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2)(a) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(b) A parent or guardian of a minor child arrested on a criminal charge may not be examined as to a communication between the child and his or her attorney if the communication was made in the presence of the parent or guardian. This privilege does not extend to communications made prior to the arrest.

(3) A member of the clergy, a Christian Science practitioner listed in the Christian Science Journal, or a priest shall not, without the consent of a person making the confession or sacred confidence, be examined as to any confession or sacred confidence made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 71.05.360 (8) and (9), a physician or surgeon or osteopathic physician or surgeon or podiatric physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

(6)(a) A peer support group counselor shall not, without consent of the law enforcement officer, limited authority law enforcement officer, or firefighter making the communication, be compelled to testify about any communication made to the counselor by the officer or firefighter while receiving counseling. The counselor must be designated as such by the ((~~sheriff, police chief, fire chief, or chief of the Washington state patrol,~~)) agency employing the officer or firefighter prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer or firefighter, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer, limited authority law enforcement officer, or firefighter.

(b) For purposes of this section((~~,~~)):

(i) "Law enforcement officer" means a general authority Washington peace officer as defined in RCW 10.93.020;

(ii) "Limited authority law enforcement officer" means a limited authority Washington peace officer as defined in RCW 10.93.020 who is employed by the department of corrections, state parks and recreation commission, department of

natural resources, liquor and cannabis board, or Washington state gambling commission; and

(iii) "Peer support group counselor" means a:

(((~~(i)~~))) (A) Law enforcement officer, limited authority law enforcement officer, firefighter, or civilian employee of a law enforcement agency, ((~~or civilian employee of a~~)) fire department, or state agency who has received training to provide emotional and moral support and counseling to an officer or firefighter who needs those services as a result of an incident in which the officer or firefighter was involved while acting in his or her official capacity; or

(((~~(ii)~~))) (B) Nonemployee counselor who has been designated by the ((~~sheriff, police chief, fire chief, or chief of the Washington state patrol~~)) law enforcement agency, fire department, or state agency to provide emotional and moral support and counseling to an officer or firefighter who needs those services as a result of an incident in which the officer or firefighter was involved while acting in his or her official capacity.

(7) A sexual assault advocate may not, without the consent of the victim, be examined as to any communication made between the victim and the sexual assault advocate.

(a) For purposes of this section, "sexual assault advocate" means the employee or volunteer from a community sexual assault program or underserved populations provider, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.

(b) A sexual assault advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any sexual assault advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the sexual assault advocate who disclosed the confidential communication shall be presumed.

(8) A domestic violence advocate may not, without the consent of the victim, be examined as to any communication between the victim and the domestic violence advocate.

(a) For purposes of this section, "domestic violence advocate" means an employee or supervised volunteer from a community-based domestic violence program or human services program that provides information, advocacy, counseling, crisis intervention, emergency shelter, or support to victims of domestic violence and who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office, or the child protective services section of the department of social and health services as defined in RCW 26.44.020.

(b) A domestic violence advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or

another person. This section does not relieve a domestic violence advocate from the requirement to report or cause to be reported an incident under RCW 26.44.030(1) or to disclose relevant records relating to a child as required by RCW 26.44.030(14). Any domestic violence advocate participating in good faith in the disclosing of communications under this subsection is immune from liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this subsection, the good faith of the domestic violence advocate who disclosed the confidential communication shall be presumed.

(9) A mental health counselor, independent clinical social worker, or marriage and family therapist licensed under chapter 18.225 RCW may not disclose, or be compelled to testify about, any information acquired from persons consulting the individual in a professional capacity when the information was necessary to enable the individual to render professional services to those persons except:

(a) With the written authorization of that person or, in the case of death or disability, the person's personal representative;

(b) If the person waives the privilege by bringing charges against the mental health counselor licensed under chapter 18.225 RCW;

(c) In response to a subpoena from the secretary of health. The secretary may subpoena only records related to a complaint or report under RCW 18.130.050;

(d) As required under chapter 26.44 or 74.34 RCW or RCW 71.05.360 (8) and (9); or

(e) To any individual if the mental health counselor, independent clinical social worker, or marriage and family therapist licensed under chapter 18.225 RCW reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation on the part of the provider to so disclose.

(10) An individual who acts as a sponsor providing guidance, emotional support, and counseling in an individualized manner to a person participating in an alcohol or drug addiction recovery fellowship may not testify in any civil action or proceeding about any communication made by the person participating in the addiction recovery fellowship to the individual who acts as a sponsor except with the written authorization of that person or, in the case of death or disability, the person's personal representative.

Passed by the House February 13, 2018.

Passed by the Senate February 28, 2018.

Approved by the Governor March 22, 2018.

Filed in Office of Secretary of State March 26, 2018.

AUTHENTICATION

I, K. Kyle Thiessen, Code Reviser of the State of Washington, certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by RCW 44.20.060, the laws published in this volume are a true and correct reproduction of the copies of the enrolled laws of the 2018 session (65th Legislature), chapters 1 through 165, as certified and transmitted to the Statute Law Committee by the Secretary of State under RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this 20th day of April, 2018.

K. KYLE THIESSEN
Code Reviser