
FIFTY SEVENTH DAY

House Chamber, Olympia, Monday, March 11, 2013

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Liat Carlyle and Ben Friedman. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Eileen Staley, Word of Faith, Kennewick, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

SSB 5045 by Senate Committee on Commerce & Labor (originally sponsored by Senators Keiser, Honeyford, Kohl-Welles and Frockt)

AN ACT Relating to allowing day spas to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises; and adding a new section to chapter 66.20 RCW.

Referred to Committee on Government Accountability & Oversight.

SSB 5054 by Senate Committee on Ways & Means (originally sponsored by Senators Honeyford, Smith, Schoesler, Benton, Pearson, Ericksen and Hewitt)

AN ACT Relating to establishing a process for the acquisition of habitat and recreation lands by the state; amending RCW 77.12.037, 77.12.220, 79.70.030, 79.71.040, and 79A.05.095; reenacting and amending RCW 79A.05.030; adding a new section to chapter 77.12 RCW; adding a new section to chapter 43.30 RCW; and adding a new section to chapter 79A.05 RCW.

Referred to Committee on Agriculture & Natural Resources.

SSB 5135 by Senate Committee on Law & Justice (originally sponsored by Senators Pearson, Kline and Padden)

AN ACT Relating to judicial proceedings and forms; and amending RCW 2.36.095 and 11.96A.090.

Referred to Committee on Judiciary.

SSB 5165 by Senate Committee on Law & Justice (originally sponsored by Senators Hargrove and Carrell)

AN ACT Relating to increasing the authority of superior court commissioners to hear and determine certain matters; and amending RCW 71.05.137, 71.34.315, and 2.24.010.

Referred to Committee on Judiciary.

SSB 5187 by Senate Committee on Natural Resources & Parks (originally sponsored by Senators Smith, Becker, Roach, Schoesler and Honeyford)

AN ACT Relating to protecting domestic animals against gray wolf attacks; amending RCW 77.36.030, 77.15.120, 77.15.130, 77.15.410, and 77.15.430; creating a new section; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

SSB 5213 by Senate Committee on Ways & Means (originally sponsored by Senators Becker, Tom, Bailey, Honeyford and Frockt)

AN ACT Relating to prescription review for medicaid managed care enrollees; and reenacting and amending RCW 74.09.522.

Referred to Committee on Health Care & Wellness.

SSB 5256 by Senate Committee on Law & Justice (originally sponsored by Senators Padden and Baumgartner)

AN ACT Relating to reports and records of autopsies and postmortems; amending RCW 68.50.105; and providing an effective date.

Referred to Committee on Judiciary.

SSB 5282 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Pearson, Keiser, Sheldon, Becker, Tom, Parlette, Rivers, Braun, Bailey, Padden, Roach, Litzow, Honeyford and Shin)

AN ACT Relating to creating a statewide database of mental health commitment information; adding a new section to chapter 71.05 RCW; and creating a new section.

Referred to Committee on Judiciary.

SSB 5287 by Senate Committee on Ways & Means (originally sponsored by Senators Hill and Hargrove)

AN ACT Relating to eliminating accounts and funds; amending RCW 41.06.280, 43.19.025, 64.44.060, 70.116.134, 41.05.140, 82.45.180, and 70.122.130; reenacting and amending RCW 43.84.092, 43.84.092, 43.79A.040, 70.47.100, and 82.44.180; creating new sections; repealing

RCW 43.19.730, 43.70.325, 43.338.030, 46.68.210, 46.68.330, and 70.122.140; repealing 2006 c 372 s 715 (uncodified); providing an effective date; providing a contingent effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 5289 by Senate Committee on Natural Resources & Parks (originally sponsored by Senators Hargrove, Hatfield, Ranker, Hobbs, Sheldon and Schoesler)

AN ACT Relating to the discover pass; amending RCW 79A.80.020, 79A.80.030, and 79A.80.080; and adding a new section to chapter 79A.80 RCW.

Referred to Committee on Community Development, Housing & Tribal Affairs.

SB 5297 by Senators Braun, Ericksen and Carrell

AN ACT Relating to coal transition power; amending RCW 19.285.040; and reenacting and amending RCW 19.285.030.

Referred to Committee on Environment.

SB 5337 by Senators Pearson, Fraser, Hargrove, Nelson, Smith, Fain, Kline, Hobbs, Shin, Tom and Parlette

AN ACT Relating to expiration dates affecting the department of natural resources' timber sale program; amending 2009 c 418 s 7 (uncodified); amending 2010 c 126 ss 15 and 16 (uncodified); providing an effective date; and providing expiration dates.

Referred to Committee on Agriculture & Natural Resources.

SB 5476 by Senators Hewitt, Keiser, Conway and Holmquist Newbry

AN ACT Relating to the employment status of independent contractors in the news business; amending RCW 50.04.240 and 51.12.020; and reenacting and amending RCW 49.46.010.

Referred to Committee on Labor & Workforce Development.

2SSB 5540 by Senate Committee on Ways & Means (originally sponsored by Senators Parlette, Schlicher, Becker, Bailey, Dammeier, Keiser, Rolfes and Frockt)

AN ACT Relating to expanding opportunities to purchase health care coverage from out-of-state carriers; amending RCW 48.05.070 and 48.21.047; adding new sections to chapter 48.21 RCW; and adding a new section to chapter 43.71 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5565 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Carrell, Keiser, Harper, Nelson, Kohl-Welles, McAuliffe and Kline)

AN ACT Relating to background checks; amending RCW 74.13.020 and 13.34.065; reenacting and amending RCW 74.13.020; adding new sections to chapter 74.13 RCW;

creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

ESSB 5577 by Senate Committee on Human Services & Corrections (originally sponsored by Senator Carrell)

AN ACT Relating to protecting public employees who act ethically and legally; amending RCW 42.52.050, 42.52.120, 42.52.360, 42.52.410, 42.52.420, and 42.52.460; reenacting and amending RCW 42.52.010; adding new sections to chapter 42.52 RCW; adding a new section to chapter 42.40 RCW; adding a new section to chapter 42.56 RCW; creating a new section; repealing RCW 42.52.500; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SSB 5591 by Senate Committee on Transportation (originally sponsored by Senators Eide, King and Shin)

AN ACT Relating to confidential license plates, drivers' licenses, identicards, and vessel registrations; amending RCW 46.01.130 and 46.08.066; and reenacting and amending RCW 42.56.230.

Referred to Committee on Transportation.

SB 5641 by Senators Bailey, Carrell and Pearson

AN ACT Relating to the governor's signature on significant legislative rules; and amending RCW 34.05.360.

Referred to Committee on Government Accountability & Oversight.

SSB 5691 by Senate Committee on Ways & Means (originally sponsored by Senators Hewitt, Conway and Rolfes)

AN ACT Relating to veterans' homes; amending RCW 72.36.020, 72.36.030, 72.36.035, 72.36.055, 72.36.070, 72.36.075, and 43.60A.075; and adding a new section to chapter 72.36 RCW.

Referred to Committee on Community Development, Housing & Tribal Affairs.

SB 5715 by Senators Hill, Carrell and Hargrove

AN ACT Relating to addressing the evasion of taxes by the use of certain electronic means; amending RCW 82.32.215 and 82.32.290; adding new sections to chapter 82.32 RCW; and prescribing penalties.

Referred to Committee on Finance.

SB 5747 by Senator Roach

AN ACT Relating to election of public hospital district boards of commissioners; amending RCW 70.44.040 and 70.44.054; and adding a new section to chapter 70.44 RCW.

Referred to Committee on Government Operations & Elections.

SSB 5754 by Senate Committee on Ways & Means (originally sponsored by Senators Litzow, McAuliffe, Kohl-Welles, Conway and Kline)

AN ACT Relating to integrated career learning opportunities and employment training for at-risk youth; adding a new section to chapter 28C.18 RCW; and creating new sections.

Referred to Committee on Labor & Workforce Development.

SSB 5761 by Senate Committee on Transportation (originally sponsored by Senators King and Hobbs)

AN ACT Relating to outdoor advertising sign fees, labels, and prohibitions; amending RCW 47.42.120 and 47.42.130; and repealing RCW 47.42.048.

Referred to Committee on Transportation.

SB 5775 by Senators Benton, Hobbs, Brown, Ericksen, Conway and Rivers

AN ACT Relating to allowing for a veteran designation on drivers' licenses and identicards; amending RCW 46.20.161 and 46.20.117; and providing an effective date.

Referred to Committee on Transportation.

SSB 5804 by Senate Committee on Ways & Means (originally sponsored by Senators Baumgartner and Hill)

AN ACT Relating to federal receipts reporting requirements; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Appropriations.

SJM 8006 by Senators Chase, McAuliffe, Nelson, Kohl-Welles, Conway and Parlette

Promoting the use of the Eddie Eagle GunSafe Program in preschools, early learning programs, and schools.

Referred to Committee on Judiciary.

SCR 8402 by Senators Fain and Frockt

Amending the cutoff resolution.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SENATE CONCURRENT RESOLUTION NO. 8402, which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1108, by Representatives Goodman, Jinkins, Wylie, Pedersen, Green, Roberts, Pettigrew, Maxwell, Orwall, Appleton, Ryu, Morrell and Bergquist

Modifying the definition of rape in the third degree and indecent liberties.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1108.

MOTION

On motion of Representative Harris, Representative Rodne was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1108, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Ross, Ryu, Santos, Sawyer, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representative Scott.

Excused: Representative Rodne.

HOUSE BILL NO. 1108, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1613, by Representatives Hudgins, Parker, Maxwell, Hayes, Moscoso, Ryu and Stanford

Establishing the criminal justice training commission firing range maintenance account.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1613 was substituted for House Bill No. 1613 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1613 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins, Parker, Angel, Hayes, Wilcox, Schmick, Klippert, Holy, Takko, Overstreet and Buys spoke in favor of the passage of the bill.

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1613.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1613, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Kristiansen and Taylor.

SUBSTITUTE HOUSE BILL NO. 1613, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1531, by Representatives Hayes, Goodman, Klippert, Hope, Ryu, Holy and Moscoso

Modifying criminal history record information compliance audit provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hayes and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1531.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1531, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell,

Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

HOUSE BILL NO. 1531, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1399, by Representatives Stanford, Tharinger, Moscoso, Takko, Appleton, Bergquist, Liias and Reykdal

Giving general law enforcement authority to natural resource investigators.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1399 was substituted for House Bill No. 1399 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1399 was read the second time.

Representative Hayes moved the adoption of amendment (281).

On page 2, line 18, after "generally," insert "A general authority Washington peace officer includes a natural resource investigator employed by the department of natural resources who has obtained and continues to maintain certification by the commission."

On page 16, after line 32, insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 43.12 RCW to read as follows:

In order to qualify as a general authority Washington peace officer as defined in RCW 10.93.020 an employee of the department of natural resources must be certified by the criminal justice training commission pursuant to RCW 43.101.095."

Correct the title

Representatives Hayes and Goodman spoke in favor of the adoption of the amendment.

Amendment (281) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stanford, Goodman and Takko spoke in favor of the passage of the bill.

Representatives Klippert, Alexander, Hayes, Alexander (again), Hunter, Hurst and Orcutt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1399.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1399, and the bill passed the House by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Hansen, Hope, Hudgins, Hunt, Jinkins, Kagi, Kirby, Liias, Lytton, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Ryu, Santos, Sawyer, Seaquist, Sells, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Uptegrove, Van De Wege, Wylie and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Buys, Carlyle, Chandler, Condotta, Crouse, Dahlquist, DeBolt, Fagan, Habib, Haigh, Haler, Hargrove, Harris, Hawkins, Hayes, Holy, Hunter, Hurst, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, Nealey, O'Ban, Orcutt, Overstreet, Parker, Pike, Rodne, Ross, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Walsh, Warnick, Wilcox and Zeiger.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1399, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1522, by Representatives Green, Ryu and Morrell

Improving behavioral health services provided to adults in Washington state.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1522 was substituted for House Bill No. 1522 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1522 was read the second time.

Representative Green moved the adoption of amendment (201).

On page 2, line 18, after "service providers" insert ", including at least one chemical dependency provider"

Representatives Green and Schmick spoke in favor of the adoption of the amendment.

Amendment (201) was adopted.

Representative Green moved the adoption of amendment (230).

On page 10, after line 19, insert the following:

"**NEW SECTION. Sec. 5.** A new section is added to chapter 43.20A RCW to read as follows:

By November 30, 2013, the department and the health care authority must report to the governor and the relevant fiscal and policy committees of the legislature, consistent with RCW 43.01.036, a plan that establishes a tribal-centric behavioral health system incorporating both mental health and chemical dependency services. The plan must assure that child, adult, and older adult American Indians and Alaskan Natives eligible for medicaid have increased access to culturally appropriate mental health and chemical dependence services. The plan must:

(1) Include implementation dates, major milestones, and fiscal estimates as needed;

(2) Emphasize the use of culturally appropriate evidence-based and promising practices;

(3) Address equitable access to crisis services, outpatient care, voluntary and involuntary hospitalization, and behavioral health care coordination;

(4) Identify statutory changes necessary to implement the tribal-centric behavioral health system; and

(5) Be developed with the department's Indian policy advisory committee and the American Indian health commission, in consultation with Washington's federally recognized tribes."

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

Correct the title.

Representative Green spoke in favor of the adoption of the amendment.

Representative Schmick spoke against the adoption of the amendment.

Amendment (230) was adopted.

Representative Green moved the adoption of amendment (231).

On page 10, after line 19, insert the following:

"**Sec. 5.** RCW 18.19.210 and 2008 c 135 s 9 are each amended to read as follows:

(1)(a) An applicant for registration as an agency affiliated counselor who applies to the department within seven days of employment by an agency may work as an agency affiliated counselor for up to sixty days while the application is processed. The applicant must stop working on the sixtieth day of employment if the registration has not been granted for any reason.

(b) The applicant may not provide unsupervised counseling prior to completion of a criminal background check performed by either the employer or the secretary. For purposes of the subsection, "unsupervised" means the supervisor is not physically present at the location where the counseling occurs.

(2) Agency affiliated counselors shall notify the department if they are either no longer employed by the agency identified on their application or are now employed with another agency, or both. Agency affiliated counselors may not engage in the practice of counseling unless they are currently affiliated with an agency."

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

Correct the title.

Representatives Green and Schmick spoke in favor of the adoption of the amendment.

Amendment (231) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Green and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1522.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1522, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Overstreet, Shea and Taylor.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1522, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Moeller to preside.

POINT OF PERSONAL PRIVILEGE

Representative Hayes: "Mr. Speaker you may have heard or received news this morning that we lost three Naval Aviators this morning in a training accident when they crashed their EA6B over in Eastern Washington and I was hoping that you might consider a moment of silence and personal prayer to remember these public servants who died while serving and their families and friends, they may even have friends here. These sailors or airmen were from my district and Representative Smith's district from Naval Air Station Whidbey Island. I served at Naval Air Station Whidbey Island myself as did a couple of other members here so I ask for a moment of silence and personal prayer."

Mr Speaker (Representative Moeller) presiding: "Will the House please join me in a moment of silence, please stand."

SECOND READING

HOUSE BILL NO. 1777, by Representatives Green, Reykdal, Ryu, Morrell, Roberts, Fey, Pollet and McCoy

Accelerating changes to mental health involuntary commitment laws.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1777 was substituted for House Bill No. 1777 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1777 was read the second time.

With the consent of the house, amendment (294) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Green spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1777.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1777, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 1777, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1627, by Representatives Morrell, Nealey, Zeiger, Jinkins and Ryu

Concerning competency to stand trial evaluations. Revised for 2nd Substitute: Regarding competency to stand trial evaluations.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1627 was substituted for House Bill No. 1627 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1627 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1627.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1627, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Seaquist, Sells, Shea, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Haler, Schmick, Scott, Short and Tharinger.

SECOND SUBSTITUTE HOUSE BILL NO. 1627, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1114, by Representatives Pedersen, Rodne, Morrell, Nealey, Green and Jinkins

Addressing criminal incompetency and civil commitment.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1114 was substituted for House Bill No. 1114 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1114 was read the second time.

Representative Green moved the adoption of amendment (253).

On page 7, line 13, after "(c)" insert "(i)"

On page 7, line 17 after "public safety," insert the following:

"(ii)"

On page 7, line 28, after "behavior" insert ". The additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after release from the state hospital"

Representatives Green and Goodman spoke in favor of the adoption of the amendment.

Representative Rodne spoke against the adoption of the amendment.

Amendment (253) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1114.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1114, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hayes, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Seaquist, Sells, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Crouse, Hawkins, Holy, Manweller, Overstreet, Pike, Scott, Shea, Taylor and Vick.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1114, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1383, by Representatives Goodman, Fey, Kirby, Orwall, O'Ban, Roberts, Jinkins, Hope, Angel, Smith, Dahlquist, Wilcox and Kristiansen

Modifying stalking and harassment protection order provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1383 was substituted for House Bill No. 1383 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1383 was read the second time.

Representative Goodman moved the adoption of amendment (199).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Stalking is a crime that affects 3.4 million people over the age of eighteen each year in the United States. Almost half of those victims experience at least one unwanted contact per week. Twenty-nine percent of stalking victims fear that the stalking will never stop. The prevalence of anxiety, insomnia, social dysfunction, and severe depression is much higher among stalking victims than the general population. Three in four stalking victims are stalked by someone they know, and at least thirty percent of stalking victims are stalked by a current or former intimate partner. For many of those victims, the domestic violence protection order is a tool they can access to help them stay safer. For those who have not had an intimate relationship with the person stalking them, there are

few remedies for them under the law. Victims who do not report the crime still desire safety and protection from future interactions with the offender. Some cases in which the stalking is reported are not prosecuted. In these situations, the victim should be able to seek a civil remedy requiring that the offender stay away from the victim. It is the intent of the legislature that the stalking protection order created by this chapter be a remedy for victims who do not qualify for a domestic violence order of protection. Moreover, it is the intent of the legislature that courts specifically distinguish stalking conduct covered by the stalking protection order from common acts of harassment or nuisance covered by antiharassment orders. Law enforcement agencies need to be able to rely on orders that distinguish stalking conduct from common acts of harassment or nuisance. Victims of stalking conduct deserve the same protection and access to the court system as victims of domestic violence and sexual assault, and this protection can be accomplished without infringing on constitutionally protected speech or activity. The legislature finds that preventing the issuance of conflicting orders is in the interest of both petitioners and respondents.

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

- (1) "Minor" means a person who is under eighteen years of age.
- (2) "Petitioner" means any named petitioner for the stalking protection order or any named victim of stalking conduct on whose behalf the petition is brought.
- (3) "Stalking conduct" means any of the following:
 - (a) Any act of stalking as defined under RCW 9A.46.110;
 - (b) Any act of cyberstalking as defined under RCW 9.61.260;
 - (c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, keeping under observation, or following of another that:
 - (i) Would cause a reasonable person to feel intimidated, frightened, or threatened and that actually causes such a feeling;
 - (ii) Serves no lawful purpose; and
 - (iii) The stalker knows or reasonably should know threatens, frightens, or intimidates the person, even if the stalker did not intend to intimidate, frighten, or threaten the person.
- (4) "Stalking no-contact order" means a temporary order or a final order granted under this chapter against a person charged with or arrested for stalking, which includes a remedy authorized under section 16 of this act.
- (5) "Stalking protection order" means an ex parte temporary order or a final order granted under this chapter, which includes a remedy authorized in section 10 of this act.

NEW SECTION. Sec. 3. There shall exist an action known as a petition for a stalking protection order.

- (1) A petition for relief shall allege the existence of stalking conduct and shall be accompanied by an affidavit made under oath stating the specific reasons that have caused the petitioner to become reasonably fearful that the respondent intends to injure the petitioner or another person, or the petitioner's property or the property of another. The petition shall disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties.
- (2) A petition for relief shall be filed as a separate, stand-alone civil case and a petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.
- (3) Forms and instructional brochures and the necessary number of certified copies shall be provided to the petitioner free of charge.
- (4) A person is not required to post a bond to obtain relief in any proceeding under this section.
- (5) If the petition states that disclosure of the petitioner's address would risk abuse of the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address

under this subsection, the petitioner shall designate an alternative address at which the respondent may serve notice of any motions.

NEW SECTION. Sec. 4. A petition for a stalking protection order may be filed by a person:

- (1) Who does not qualify for a protection order under chapter 26.50 RCW and who is a victim of stalking conduct; or
- (2) On behalf of any of the following persons who is a victim of stalking conduct and who does not qualify for a protection order under chapter 26.50 RCW:
 - (a) A minor child, where the petitioner is a parent, a legal custodian, or, where the respondent is not a parent, an adult with whom the child is currently residing; or
 - (b) A vulnerable adult as defined in RCW 74.34.020 and where the petitioner is an interested person as defined in RCW 74.34.020(10).

NEW SECTION. Sec. 5. (1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of stalking conduct committed by the respondent.

(2) A minor sixteen years of age or older may seek relief under this chapter and is not required to seek relief through a guardian or next friend. This does not preclude a parent or legal custodian of a victim sixteen or seventeen years of age from seeking relief on behalf of the minor.

(3) The district courts shall have original jurisdiction and cognizance of any civil actions and proceedings brought under this chapter, except a district court shall transfer such actions and proceedings to the superior court when it is shown that (a) the petitioner, victim, or respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.

(4) Municipal courts may exercise jurisdiction and cognizance of any civil actions and proceedings brought under this chapter by adoption of local court rule, except a municipal court shall transfer such actions and proceedings to the superior court when it is shown that (a) the petitioner, victim, or respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.

(5) Superior courts shall have concurrent jurisdiction to receive transfer of stalking petitions in cases where a district or municipal court judge makes findings of fact and conclusions of law showing that meritorious reasons exist for the transfer. The jurisdiction of district and municipal courts is limited to enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders provided for in section 12 of this act if the superior court is exercising jurisdiction over a proceeding under this chapter involving the parties.

(6) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter if such respondent is sixteen years of age or older.

(7) If a guardian ad litem is appointed for the petitioner or respondent, the petitioner shall not be required to pay any fee associated with such appointment.

(8) An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid stalking conduct. In that case, the petitioner may bring an action in the county or municipality of the previous or the new residence or household.

NEW SECTION. Sec. 6. Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. The court may schedule a hearing by

telephone, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further stalking behavior. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. Except as provided in section 15 of this act, personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall require additional attempts at obtaining personal service or other service as permitted under section 15 of this act. The court may issue an ex parte temporary stalking order pending the hearing as provided in section 12 of this act.

NEW SECTION. Sec. 7. Before granting an order under this chapter, the court may consult the judicial information system, if available, to determine criminal history or the pendency of other proceedings involving the parties.

NEW SECTION. Sec. 8. No fees for filing or service of process may be charged by a public agency to petitioners seeking relief under this chapter.

NEW SECTION. Sec. 9. Victim advocates shall be allowed to accompany the victim and confer with the victim, unless otherwise directed by the court. Court administrators shall allow advocates to assist victims of stalking conduct in the preparation of petitions for stalking protection orders. Advocates are not engaged in the unauthorized practice of law when providing assistance of the types specified in this section.

NEW SECTION. Sec. 10. (1)(a) If the court finds by a preponderance of the evidence that the petitioner has been a victim of stalking conduct by the respondent, the court shall issue a stalking protection order.

(b) The petitioner shall not be denied a stalking protection order because the petitioner or the respondent is a minor or because the petitioner did not report the stalking conduct to law enforcement. The court, when determining whether or not to issue a stalking protection order, may not require proof of the respondent's intentions regarding the acts alleged by the petitioner. Modification and extension of prior stalking protection orders shall be in accordance with this chapter.

(2) The court may provide relief as follows:

(a) Restrain the respondent from having any contact, including nonphysical contact, with the petitioner directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(b) Exclude the respondent from the petitioner's residence, workplace, or school, or from the day care, workplace, or school of the petitioner's minor children;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) Prohibit the respondent from keeping the petitioner and/or the petitioner's minor children under surveillance, to include electronic surveillance;

(e) Order any other injunctive relief as necessary or appropriate for the protection of the petitioner, to include a mental health and/or chemical dependency evaluation; and

(f) 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.

(3) Unless otherwise stated in the order, when a person is petitioning on behalf of a minor child or vulnerable adult, the relief authorized in this section shall apply only for the protection of the victim, and not the petitioner.

(4) In cases where the petitioner and the respondent attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger or emotional distress to the petitioner, and

the expense difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person protected by the order. In the event the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

NEW SECTION. Sec. 11. For the purposes of issuing a stalking protection order, deciding what relief should be included in the order, and enforcing the order, RCW 9A.08.020 shall govern whether the respondent is legally accountable for the conduct of another person.

NEW SECTION. Sec. 12. (1) Where it appears from the petition and any additional evidence that the respondent has engaged in stalking conduct and that irreparable injury could result if an order is not issued immediately without prior notice, the court may grant an ex parte temporary order for protection, pending a full hearing and grant such injunctive relief as it deems proper, including the relief as specified under section 10 (2)(a) through (d) and (4) of this act.

(2) Irreparable injury under this section includes, but is not limited to, situations in which the respondent has recently threatened the petitioner with bodily injury or has engaged in acts of stalking conduct 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 stalking protection order shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication or mail. The ex parte 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 temporary order or not later than twenty-four days if service by publication or by mail is permitted. Unless the court has permitted service by publication or mail, the respondent shall be personally served with a copy of the ex parte 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 stalking protection order, the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order shall be filed with the court.

(7) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

NEW SECTION. Sec. 13. (1) Except as otherwise provided in this section or section 16 of this act, a final stalking protection order shall be effective for a fixed period of time or be permanent.

(2) Any ex parte temporary or final stalking protection order may be renewed one or more times. 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. If the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal. 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 stalking conduct against the petitioner or the petitioner's children or family or household members

when the order expires. The court may renew the stalking 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 section 10 of this act.

(3) Any stalking protection order which would expire on a court holiday shall instead expire at the close of the next court business day.

(4) The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a stalking protection order undermines the purposes of this chapter. This section shall not be construed as encouraging that practice.

(5) 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.

NEW SECTION. Sec. 14.

(1) Any stalking protection order shall describe each remedy granted by the court, in reasonable detail and not by reference to any other document, so that the respondent may clearly understand what he or she must do or refrain from doing.

(2) A stalking protection order shall further state the following:

(a) The name of the petitioner that the court finds was the victim of stalking by the respondent;

(b) The date and time the stalking protection order was issued, whether it is an ex parte temporary or final order, and the duration of the order;

(c) The date, time, and place for any scheduled hearing for renewal of that stalking protection order or for another order of greater duration or scope;

(d) For each remedy in an ex parte temporary stalking protection order, the reason for entering that remedy without prior notice to the respondent or greater notice than was actually given;

(e) For ex parte temporary stalking protection orders, that the respondent may petition the court, to modify or terminate the order if he or she did not receive actual prior notice of the hearing and if the respondent alleges that he or she had a meritorious defense to the order or that the order or its remedy is not authorized by this chapter.

(3) A stalking protection order shall include the following notice, printed in conspicuous type: "A knowing violation of this stalking protection order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

NEW SECTION. Sec. 15.

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6), (7), or (8) of this section. If the respondent is a minor, the respondent's parent or legal custodian shall also be personally served.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(6) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary.

(7) If the respondent was not personally served with the petition, notice of hearing, and ex parte order before the hearing, the court shall reset the hearing for twenty-four days from the date of entry of the order and may order service by publication instead of personal service under the following circumstances:

(a) The sheriff or municipal officer or private process server files an affidavit stating that the officer or private process server was unable to complete personal service upon the respondent. The affidavit must describe the number and types of attempts the officer or private process server made to complete service;

(b) The petitioner files an affidavit stating that the petitioner believes that the respondent is hiding from the server to avoid service. The petitioner's affidavit must state the reasons for the belief that the respondent is avoiding service;

(c) The server has deposited a copy of the petition, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address;

(d) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome;

(e) The court shall reissue the temporary order of protection not to exceed another twenty-four days from the date of reissuing the ex parte protection order and order to provide service by publication; and

(f) The publication shall be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons shall not be made until the court orders service by publication under this section. Service of the summons shall be considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons shall contain the date of the first publication, and shall require the respondent upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons shall also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte order. The summons shall be essentially in the following form:

In the court of the state of Washington for the county of

, Petitioner

vs. No.

, Respondent

The state of Washington to (respondent):

You are hereby summoned to appear on the day of, 20, at a.m./p.m., and respond to the petition. If you fail to respond, an order of protection will be issued against you pursuant to the provisions of the stalking protection order act, chapter 7.-- RCW (the new chapter created in section 33 of this act), for a minimum of one year from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the ex parte order.) A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

Petitioner

(8) In circumstances justifying service by publication under subsection (7) of this section, if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail. Such service shall be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. Two copies shall be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.

(a) Proof of service under this section shall be consistent with court rules for civil proceedings.

(b) Service under this section may be used in the same manner and shall have the same jurisdictional effect as service by publication for purposes of this chapter. Service shall be deemed complete upon the mailing of two copies as prescribed in this section.

NEW SECTION. Sec. 16. (1)(a) When any person charged with or arrested for stalking as defined in RCW 9A.46.110 or any other stalking related offense under RCW 9A.46.060 is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, and the victim does not qualify for a domestic violence protection order under chapter 26.50 RCW, the court authorizing release may issue, by telephone, a stalking no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(c) The stalking no-contact order shall also be issued in writing as soon as possible.

(2)(a) At the time of arraignment or whenever a motion is brought to modify the conditions of the defendant's release, the court shall determine whether a stalking no-contact order shall be issued or extended. If a stalking no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring, including real-time global position satellite monitoring with victim notification. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring, including costs relating to real-time global position satellite monitoring with victim notification.

(b) A stalking no-contact order issued by the court in conjunction with criminal charges shall terminate if the defendant is acquitted or the charges are dismissed, unless the victim files an independent action for a stalking protection order. If the victim files an independent action for a civil stalking protection order, the order may be continued by the court until a full hearing is conducted pursuant to section 6 of this act.

(3)(a) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or

refrain from violating the order's provisions. Only the court can change the order."

(b) A certified copy of the order shall be provided to the victim at no charge.

(4) If a stalking no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed.

(5) Whenever an order prohibiting contact is issued pursuant to subsection (2) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year unless a different expiration date is specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

(6)(a) When a defendant is found guilty of stalking as defined in RCW 9A.46.110 or any other stalking related offense under RCW 9A.46.060 and a condition of the sentence restricts the defendant's ability to have contact with the victim, and the victim does not qualify for a domestic violence protection order under chapter 26.50 RCW, the condition shall be recorded as a stalking no-contact order.

(b) The written order entered as a condition of sentencing shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A final stalking no-contact order entered in conjunction with a criminal prosecution shall remain in effect for a period of five years from the date of entry.

(d) A certified copy of the order shall be provided to the victim at no charge.

(7) A knowing violation of a court order issued under subsection (1), (2), or (6) of this section is punishable under RCW 26.50.110.

(8) Whenever a stalking no-contact order is issued, modified, or terminated under subsection (1), (2), or (6) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year unless a different expiration date is specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (2) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

NEW SECTION. Sec. 17. (1) In a proceeding in which a petition for a stalking protection order is sought under this chapter, a court of this state may exercise personal jurisdiction over a nonresident individual if:

(a) The individual is personally served with a petition within this state;

(b) The individual submits to the jurisdiction of this state by consent, entering a general appearance, or filing a responsive document having the effect of waiving any objection to consent to personal jurisdiction;

(c) The act or acts of the individual or the individual's agent giving rise to the petition or enforcement of a stalking protection order occurred within this state;

(d)(i) The act or acts of the individual or the individual's agent giving rise to the petition or enforcement of a stalking protection order occurred outside this state and are part of an ongoing pattern of stalking behavior that has an adverse effect on the petitioner or a member of the petitioner's family or household and the petitioner resides in this state; or

(ii) As a result of acts of stalking behavior, the petitioner or a member of the petitioner's family or household has sought safety or protection in this state and currently resides in this state; or

(e) There is any other basis consistent with RCW 4.28.185 or with the Constitution of this state and the Constitution of the United States.

(2) For jurisdiction to be exercised under subsection (1)(d)(i) or (ii) of this section, the individual must have communicated with the petitioner or a member of the petitioner's family, directly or indirectly, or made known a threat to the safety of the petitioner or member of the petitioner's family while the petitioner or family member resides in this state. For the purposes of subsection (1)(d)(i) or (ii) of this section, "communicated or made known" includes, but is not limited to, through the mail, telephonically, or a posting on an electronic communication site or medium. Communication on any electronic medium that is generally available to any individual residing in the state shall be sufficient to exercise jurisdiction under subsection (1)(d)(i) or (ii) of this section.

(3) For the purposes of this section, an act or acts that "occurred within this state" includes, but is not limited to, an oral or written statement made or published by a person outside of this state to any person in this state by means of the mail, interstate commerce, or foreign commerce. Oral or written statements sent by electronic mail or the internet are deemed to have "occurred within this state."

NEW SECTION. Sec. 18. (1) A copy of a stalking protection order or stalking no-contact order granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall immediately enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for one year unless a different expiration date is specified on the order. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system. The law enforcement agency shall only expunge from the computer-based criminal intelligence information system orders that are expired, vacated, terminated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based criminal intelligence information system shall include notice to law enforcement whether the order was personally served, served by publication, or served by mail.

NEW SECTION. Sec. 19. (1) Upon application with notice to all parties and after a hearing, the court may modify the terms of an existing stalking protection order.

(2) A respondent's motion to modify or terminate an existing stalking protection order must include a declaration setting forth facts supporting the requested order for termination or modification. The nonmoving parties to the proceeding may file opposing declarations. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the declarations. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion.

(3) The court may not terminate or modify an existing stalking protection order unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances such that the respondent will not resume acts of stalking conduct against the petitioner or those persons protected by the protection order if the order is terminated or modified. The petitioner bears no burden of proving that he or she has a current reasonable fear of harm by the respondent.

(4) A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to terminate or modify a stalking protection order, including reasonable attorneys' fees.

(5) In any situation where an order is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the computer-based criminal intelligence information system, or if the order is terminated, remove the order from the computer-based criminal intelligence information system.

NEW SECTION. Sec. 20. A new section is added to chapter 10.14 RCW to read as follows:

In each county, the superior court may appoint one or more attorneys to act as protection order commissioners pursuant to this chapter to exercise all powers and perform all duties of a court commissioner appointed pursuant to RCW 2.24.010 provided that such positions may not be created without prior consent of the county legislative authority. A person appointed as a protection order commissioner under this chapter may also be appointed to any other commissioner position authorized by law.

NEW SECTION. Sec. 21. A new section is added to chapter 10.14 RCW to read as follows:

(1) By January 1, 2014, the administrative office of the courts shall develop a single master petition pattern form for all antiharassment and stalking protection orders issued under chapter 7.-- RCW (the new chapter created in section 33 of this act) and this chapter. The master petition must prompt petitioners to disclose on the form whether the petitioner who is seeking an ex parte order has experienced stalking conduct as defined in section 2 of this act. An antiharassment order and stalking protection order issued under chapter 7.-- RCW (the new chapter created in section 33 of this act) and this chapter must substantially comply with the pattern form developed by the administrative office of the courts.

(2) The legislature respectfully requests that the Washington state supreme court gender and justice commission, in consultation with Washington coalition of sexual assault programs, Washington state coalition against domestic violence, Washington association of prosecuting attorneys, Washington association of criminal defense lawyers, and Washington association of sheriffs and police chiefs, consider other potential solutions to reduce confusion about which type of protection order a petitioner should seek and to provide any recommendations to the legislature by January 1, 2014.

NEW SECTION. Sec. 22. An ex parte temporary order issued under this chapter shall not be admissible as evidence in any subsequent civil action for damages arising from the conduct alleged in the petition or the order.

NEW SECTION. Sec. 23. Nothing in this chapter shall be construed as requiring criminal charges to be filed as a condition of a stalking protection order being issued.

NEW SECTION. Sec. 24. This act may be known and cited as the stalking protection order act.

Sec. 25. RCW 9.41.800 and 2002 c 302 s 704 are each amended to read as follows:

(1) Any court when entering an order authorized under chapter 7.-- RCW (the new chapter created in section 33 of this act), RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,

26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590 shall, upon a showing by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or previously committed any offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require the party to surrender any firearm or other dangerous weapon;

(b) Require the party to surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;

(d) Prohibit the party from obtaining or possessing a concealed pistol license.

(2) Any court when entering an order authorized under chapter 7.- RCW (the new chapter created in section 33 of this act), RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590 may, upon a showing by a preponderance of the evidence but not by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or previously committed any offense that makes him or her ineligible to possess a pistol under the provisions of RCW 9.41.040:

(a) Require the party to surrender any firearm or other dangerous weapon;

(b) Require the party to surrender a concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;

(d) Prohibit the party from obtaining or possessing a concealed pistol license.

(3) The court may order temporary surrender of a firearm or other dangerous weapon without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1), (2), and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(5) The requirements of subsections (1), (2), and (4) of this section may be for a period of time less than the duration of the order.

(6) The court may require the party to surrender any firearm or other dangerous weapon in his or her immediate possession or control or subject to his or her immediate possession or control to the sheriff of the county having jurisdiction of the proceeding, the chief of police of the municipality having jurisdiction, or to the restrained or enjoined party's counsel or to any person designated by the court.

Sec. 26. RCW 9.94A.535 and 2011 c 87 s 1 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

(1) Mitigating Circumstances - Court to Consider

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(i) The defendant was making a good faith effort to obtain or provide medical assistance for someone who is experiencing a drug-related overdose.

(j) The current offense involved domestic violence, as defined in RCW 10.99.020, and the defendant suffered a continuing pattern of coercion, control, or abuse by the victim of the offense and the offense is a response to that coercion, control, or abuse.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

(a) The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

(b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

(3) Aggravating Circumstances - Considered by a Jury - Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can

support a sentence above the standard range. Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, or stalking, as defined in RCW 9A.46.110, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of a victim or multiple victims manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

(p) The offense involved an invasion of the victim's privacy.

(q) The defendant demonstrated or displayed an egregious lack of remorse.

(r) The offense involved a destructive and foreseeable impact on persons other than the victim.

(s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

(t) The defendant committed the current offense shortly after being released from incarceration.

(u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

(v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

(w) The defendant committed the offense against a victim who was acting as a good samaritan.

(x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

(z)(i)(A) The current offense is theft in the first degree, theft in the second degree, possession of stolen property in the first degree, or possession of stolen property in the second degree; (B) the stolen property involved is metal property; and (C) the property damage to the victim caused in the course of the theft of metal property is more than three times the value of the stolen metal property, or the theft of the metal property creates a public hazard.

(ii) For purposes of this subsection, "metal property" means commercial metal property, private metal property, or nonferrous metal property, as defined in RCW 19.290.010.

(aa) The defendant committed the offense with the intent to directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage to or for a criminal street gang as defined in RCW 9.94A.030, its reputation, influence, or membership.

(bb) The current offense involved paying to view, over the internet in violation of RCW 9.68A.075, depictions of a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (g).

(cc) The offense was intentionally committed because the defendant perceived the victim to be homeless, as defined in RCW 9.94A.030.

Sec. 27. RCW 9A.46.040 and 2012 c 223 s 1 are each amended to read as follows:

(1) Because of the likelihood of repeated harassment directed at those who have been victims of harassment in the past, when any defendant charged with a crime involving harassment is released from custody before trial on bail or personal recognizance, the court authorizing the release may issue an order pursuant to this chapter and require that the defendant:

(a) Stay away from the home, school, business, or place of employment of the victim or victims of the alleged offense or other location, as shall be specifically named by the court in the order;

(b) Refrain from contacting, intimidating, threatening, or otherwise interfering with the victim or victims of the alleged offense and such other persons, including but not limited to members of the family or household of the victim, as shall be specifically named by the court in the order.

(2) Willful violation of a court order issued under this section or an equivalent local ordinance is a gross misdemeanor. The written order releasing the defendant shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 9A.46 RCW. A certified copy of the order shall be provided to the victim by the clerk of the court.

(3) If the defendant is charged with the crime of stalking or any other stalking related offense under RCW 9A.46.060, and the court issues an order protecting the victim, the court shall issue a stalking no-contact order pursuant to chapter 7.-- RCW (the new chapter created in section 33 of this act).

NEW SECTION. Sec. 28. A new section is added to chapter 9A.46 RCW to read as follows:

(1) A defendant arrested for stalking as defined by RCW 9A.46.110 shall be required to appear in person before a magistrate within one judicial day after the arrest.

(2) At the time of appearance provided in subsection (1) of this section the court shall determine the necessity of imposing a stalking no-contact order under chapter 7.-- RCW (the new chapter created in section 33 of this act).

(3) Appearances required pursuant to this section are mandatory and cannot be waived.

(4) The stalking no-contact order shall be issued and entered with the appropriate law enforcement agency pursuant to the procedures outlined in chapter 7.-- RCW (the new chapter created in section 33 of this act).

Sec. 29. RCW 9A.46.110 and 2007 c 201 s 1 are each amended to read as follows:

(1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

(a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and

(b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and

(c) The stalker either:

(i) Intends to frighten, intimidate, or harass the person; or

(ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(2)(a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this section that the stalker was not given actual notice that the person did not want the stalker to contact or follow the person; and

(b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person.

(3) It shall be a defense to the crime of stalking that the defendant is a licensed private investigator acting within the capacity of his or her license as provided by chapter 18.165 RCW.

(4) Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any

other form of contact or communication, the sending of an electronic communication to the person.

(5)(a) Except as provided in (b) of this subsection, a person who stalks another person is guilty of a gross misdemeanor.

(b) A person who stalks another is guilty of a class ((C)) B felony if any of the following applies: (i) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a protective order; (ii) the stalking violates any protective order protecting the person being stalked; (iii) the stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person; (iv) the stalker was armed with a deadly weapon, as defined in RCW ((9.94A.602)) 9.94A.825, while stalking the person; (v)(A) the stalker's victim is or was a law enforcement officer; judge; juror; attorney; victim advocate; legislator; community corrections' officer; an employee, contract staff person, or volunteer of a correctional agency; court employee, court clerk, or courthouse facilitator; or an employee of the child protective, child welfare, or adult protective services division within the department of social and health services; and (B) the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or (vi) the stalker's victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

(6) As used in this section:

(a) "Correctional agency" means a person working for the department of natural resources in a correctional setting or any state, county, or municipally operated agency with the authority to direct the release of a person serving a sentence or term of confinement and includes but is not limited to the department of corrections, the indeterminate sentence review board, and the department of social and health services.

(b) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.

(c) "Harasses" means unlawful harassment as defined in RCW 10.14.020.

(d) "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person.

(e) "Repeatedly" means on two or more separate occasions.

Sec. 30. RCW 10.14.070 and 2005 c 144 s 1 are each amended to read as follows:

Upon receipt of the petition alleging a prima facie case of harassment, other than a petition alleging a sex offense as defined in chapter 9A.44 RCW or a petition for a stalking protection order under chapter 7.-- RCW (the new chapter created in section 33 of this act), the court shall order a hearing which shall be held not later than fourteen days from the date of the order. If the petition alleges a sex offense as defined in chapter 9A.44 RCW, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. Except as provided in RCW 10.14.085, personal service shall be made upon the respondent not less than five court days before the hearing. If timely personal 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 by RCW 10.14.085. If the court permits service by publication, the court shall set the hearing date not later than twenty-

four days from the date of the order. The court may issue an ex parte order for protection pending the hearing as provided in RCW 10.14.080 and 10.14.085.

Sec. 31. RCW 26.50.110 and 2009 c 439 s 3 and 2009 c 288 s 3 are each reenacted and amended to read as follows:

(1)(a) Whenever an order is granted under this chapter, chapter 7-- (the new chapter created in section 33 of this act), 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location;

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent; or

(v) A provision of a foreign protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall 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 convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7-- (the new chapter created in section 33 of this act), 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7-- (the new chapter created in section 33 of this act), 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 7-- (the new chapter created in section 33 of this act), 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7-- (the new chapter created in section 33 of this act), 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for

violating the provisions of an order issued under this chapter, chapter 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7-- (the new chapter created in section 33 of this act), 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

Sec. 32. RCW 10.31.100 and 2010 c 274 s 201 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

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

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

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7-- (the new chapter created in section 33 of this act), 7.90, 9A.46, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

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

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means

physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (8) of this section if the police officer acts in good faith and without malice.

NEW SECTION. Sec. 33. Sections 1 through 19 and 22 through 24 of this act constitute a new chapter in Title 7 RCW."

Correct the title.

Representative Goodman spoke in favor of the adoption of the amendment.

Amendment (199) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman, Fey, Angel and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1383.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1383, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stonier, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1383, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1774, by Representatives Freeman, Goodman, Haler, Roberts, Farrell, Kagi, Stanford, Stonier, Bergquist, Ryu, O'Ban, Morrell, Fey, Pollet and Santos

Measuring performance of the child welfare system.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1774 was substituted for House Bill No. 1774 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1774 was read the second time.

Representative Kagi moved the adoption of amendment (229).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that the goals of the child welfare system are to protect the safety, permanence, and well-being of the children it serves. The legislature further recognizes the importance of maintaining publicly accessible data that tracks the performance of the child welfare system, leading to transparency and public understanding of the system.

(2) The legislature believes it is important to measure safety, permanence, and well-being such that the public and the legislature may understand how the child welfare system is performing. This information will also serve the legislature in determining priorities for investment of public dollars as well as need for substantive legislative changes to facilitate improvement.

(3) The reports to the legislature under section 2 of this act will be used to provide feedback to the department of social and health services. The agencies referenced in section 2 of this act will not disclose individually identifiable private information except as allowable under federal and state law.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

(1) The University of Washington, through partners for our children, within the school of social work, and the department, in collaboration with other stakeholders, shall develop measurements in the areas of safety, permanency, and well-being, using existing and available data. Measurements must be calculated from data used in the routine work of the state agencies' data and information technology departments. Any new record linkage or data-matching activities required in fulfillment of this section may be performed by partners for our children pursuant to agreements developed under subsection (6) of this section.

(2) For the purposes of this section, "state agencies" means any agency or subagency providing data used in the integrated client database maintained by the research and data analysis division of the department. Any exchange of data must be in accordance with applicable federal and state law.

(3) All measurements must use a methodology accepted by the scientific community. All measurements must address any disproportionate racial and ethnic inequality. The initial measurements must be developed by December 1, 2013.

(4) The measurements may not require the state agencies to revise their data collection systems, and may not require the state agencies to provide individually identifiable information.

(5) The state agencies shall provide the University of Washington with all measurement data related to the measurements developed under this section at least quarterly beginning July 1, 2014. Partners for our children shall make any nonidentifiable data publicly available. Partners for our children shall report on the data to the legislature and the governor annually starting December 31, 2014.

(6) By January 1, 2014, the state agencies shall execute agreements with partners for our children to enable sharing of data pursuant to RCW 42.48.020 sufficient to comply with this section.

(7) The fact that partners for our children has chosen to use a specific measure, use a specific baseline, or compare any measure to a baseline is not admissible as evidence of negligence by the department in a civil action.

Sec. 3. RCW 74.13B.020 and 2012 c 205 s 3 are each amended to read as follows:

(1) No later than December 1, ~~((2013))~~ 2014, the department shall enter into performance-based contracts for the provision of family support and related services. The department may enter into performance-based contracts for additional services, other than case management.

(2) ((Beginning December 1, 2013, the department may not renew its current contracts with individuals or entities for the provision of the child welfare services included in performance-based

contracts under this section for services in geographic areas served by network administrators under such contracts, except as mutually agreed upon between the department and the network administrator to allow for the successful transition of services that meet the needs of children and families.

~~((3))~~ The department shall conduct a procurement process to enter into performance-based contracts with one or more network administrators for family support and related services. As part of the procurement process, the department shall consult with department caseworkers, the exclusive bargaining representative for employees of the department, tribal representatives, parents who were formerly involved in the child welfare system, youth currently or previously in foster care, child welfare services researchers, and the Washington state institute for public policy to assist in identifying the categories of family support and related services that will be included in the procurement. The categories of family support and related services shall be defined no later than July 15, 2012. In identifying services, the department must review current data and research related to the effectiveness of family support and related services that mitigate child safety concerns and promote permanency, including reunification, and child well-being. Expenditures for family support and related services purchased under this section must remain within the levels appropriated in the operating budget.

~~((4))~~ ~~(3)~~(a) Network administrators shall, directly or through subcontracts with service providers:

(i) Assist caseworkers in meeting their responsibility for implementation of case plans and individual service and safety plans; and

(ii) Provide the family support and related services within the categories of contracted services that are included in a child or family's case plan or individual service and safety plan within funds available under contract.

(b) While the department caseworker retains responsibility for case management, nothing in chapter 205, Laws of 2012 limits the ability of the department to continue to contract for the provision of case management services by child-placing agencies, behavioral rehabilitation services agencies, or other entities that provided case management under contract with the department prior to July 1, 2005.

~~((5))~~ ~~(4)~~ In conducting the procurement, the department shall actively consult with other state agencies with relevant expertise, such as the health care authority, and with philanthropic entities with expertise in performance-based contracting for child welfare services. The director of the office of financial management must approve the request for proposal prior to its issuance.

~~((6))~~ ~~(5)~~ The procurement process must be developed and implemented in a manner that complies with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and must provide an opportunity for tribal governments to contract for service delivery through network administrators.

~~((7))~~ ~~(6)~~ The procurement and resulting contracts must include, but are not limited to, the following standards and requirements:

(a) The use of family engagement approaches to successfully motivate families to engage in services and training of the network's contracted providers to apply such approaches;

(b) The use of parents and youth who are successful veterans of the child welfare system to act as mentors through activities that include, but are not limited to, helping families navigate the system, facilitating parent engagement, and minimizing distrust of the child welfare system;

(c) The establishment of qualifications for service providers participating in provider networks, such as appropriate licensure or certification, education, and accreditation by professional accrediting entities;

(d) Adequate provider capacity to meet the anticipated service needs in the network administrator's contracted service area. The

network administrator must be able to demonstrate that its provider network is culturally competent and has adequate capacity to address disproportionality, including utilization of tribal and other ethnic providers capable of serving children and families of color or who need language-appropriate services;

(e) Fiscal solvency of network administrators and providers participating in the network;

(f) The use of evidence-based, research-based, and promising practices, where appropriate, including fidelity and quality assurance provisions;

(g) Network administrator quality assurance activities, including monitoring of the performance of providers in their provider network, with respect to meeting measurable service outcomes;

(h) Network administrator data reporting, including data on contracted provider performance and service outcomes; and

(i) Network administrator compliance with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and the federal and Washington state Indian child welfare act.

~~((8))~~ (7) As part of the procurement process under this section, the department shall issue the request for proposals no later than December 31, ~~((2012. The department shall notify the apparently successful bidders no later than June 30, 2013))~~ 2013, shall begin implementation of performance-based contracting no later than July 1, 2014, and shall fully implement performance-based contracting no later than July 1, 2015.

~~((9))~~ (8) Performance-based payment methodologies must be used in network administrator contracting. Performance measures should relate to successful engagement by a child or parent in services included in their case plan, and resulting improvement in identified problem behaviors and interactions. For the initial three-year period of implementation of performance-based contracting, the department may transfer financial risk for the provision of services to network administrators only to the limited extent necessary to implement a performance-based payment methodology, such as phased payment for services. However, the department may develop a shared savings methodology through which the network administrator will receive a defined share of any savings that result from improved performance. If the department receives a Title IV-E waiver, the shared savings methodology must be consistent with the terms of the waiver. If a shared savings methodology is adopted, the network administrator shall reinvest the savings in enhanced services to better meet the needs of the families and children they serve.

~~((10))~~ (9) The department must actively monitor network administrator compliance with the terms of contracts executed under this section.

~~((11))~~ (10) The use of performance-based contracts under this section must be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare-related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

Sec. 4. RCW 74.13.360 and 2012 c 205 s 8 are each amended to read as follows:

(1) No later than December 30, ~~((2015))~~ 2016:

(a) In the demonstration sites selected under RCW 74.13.368(4)(a), child welfare services shall be provided by supervising agencies with whom the department has entered into performance-based contracts. Supervising agencies may enter into subcontracts with other licensed agencies; and

(b) Except as provided in subsection (3) of this section, and notwithstanding any law to the contrary, the department may not directly provide child welfare services to families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a).

(2) No later than December 30, ~~((2015))~~ 2016, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a), the department is responsible for only the following:

(a) Monitoring the quality of services for which the department contracts under this chapter;

(b) Ensuring that the services are provided in accordance with federal law and the laws of this state, including the Indian child welfare act;

(c) Providing child protection functions and services, including intake and investigation of allegations of child abuse or neglect, emergency shelter care functions under RCW 13.34.050, and referrals to appropriate providers; and

(d) Issuing licenses pursuant to chapter 74.15 RCW.

(3) No later than December 30, ~~((2015))~~ 2016, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a), the department may provide child welfare services only:

(a) For the limited purpose of establishing a control or comparison group as deemed necessary by the child welfare transformation design committee, with input from the Washington state institute for public policy, to implement the demonstration sites selected and defined pursuant to RCW 74.13.368(4)(a) in which the performance in achieving measurable outcomes will be compared and evaluated pursuant to RCW 74.13.370; or

(b) In an emergency or as a provider of last resort. The department shall adopt rules describing the circumstances under which the department may provide those services. For purposes of this section, "provider of last resort" means the department is unable to contract with a private agency to provide child welfare services in a particular geographic area or, after entering into a contract with a private agency, either the contractor or the department terminates the contract.

(4) For purposes of this chapter, on and after September 1, 2010, performance-based contracts shall be structured to hold the supervising agencies accountable for achieving the following goals in order of importance: Child safety; child permanency, including reunification; and child well-being.

(5) A federally recognized tribe located in this state may enter into a performance-based contract with the department to provide child welfare services to Indian children whether or not they reside on a reservation. Nothing in this section prohibits a federally recognized Indian tribe located in this state from providing child welfare services to its members or other Indian children pursuant to existing tribal law, regulation, or custom, or from directly entering into agreements for the provision of such services with the department, if the department continues to otherwise provide such services, or with federal agencies.

NEW SECTION. Sec. 5. RCW 74.13.368 (Performance-based contracts-- Child welfare transformation design committee) and 2012 c 205 s 10, 2010 c 291 s 2, & 2009 c 520 s 8 are each suspended as of the effective date of this section until December 1, 2015."

Correct the title.

Representatives Kagi and Walsh spoke in favor of the adoption of the amendment.

Amendment (229) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Freeman, Walsh and Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1774.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1774, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Overstreet, Scott and Taylor.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1774, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1795, by Representatives Jinkins, Schmick, Morrell, Harris, Green, Hope, Pollet and Bergquist

Concerning the scope and costs of the diabetes epidemic in Washington.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jinkins, Schmick and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1795.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1795, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Appleton, Bergquist, Blake, Carlyle, Chandler, Clibborn, Cody, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Seaquist, Sells, Short, Smith,

Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Angel, Buys, Condotta, Crouse, Hargrove, Magendanz, Overstreet, Pike, Scott, Shea and Taylor.

HOUSE BILL NO. 1795, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1499, by Representatives Jinkins, Harris, Cody, Fitzgibbon, Ryu, Roberts, Fey and Pollet

Concerning the program of all-inclusive care for the elderly.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1499 was substituted for House Bill No. 1499 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1499 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jinkins and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1499.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1499, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1499, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1947, by Representatives Cody, Hunter, Jinkins and Harris

Concerning the operating expenses of the Washington health benefit exchange.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1947 was substituted for House Bill No. 1947 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1947 was read the second time.

Representative Cody moved the adoption of amendment (285).

On page 3, line 10, after "act." insert "If the exchange is charging an assessment, the exchange shall set forth the amount of the assessment per member per month on monthly billing statements."

On page 3, line 23, after "installments." insert "Upon determination of the amount of the assessment, the exchange shall notify carriers of the due dates of the quarterly installments."

On page 3, after line 25, insert the following:

"(4) The exchange shall reconcile assessment payments based on actual covered lives at the end of the calendar year of the assessment. At the end of the calendar year, the exchange shall compare the amount of the assessment for each carrier calculated in subsection (2) of this section to the amount of the assessment that would have been collected from each carrier based on each carrier's actual covered lives in qualified health plans and dental plans in the exchange during that calendar year. If a carrier's share of the assessment would have been smaller if it were based on actual covered lives, the exchange shall refund the carrier for the difference between the collected amount of the assessment and the amount of the assessment that would have been collected based on the carrier's actual covered lives. If the carrier's share of the assessment would have been larger if it were based on actual covered lives, the exchange shall collect from the carrier the difference between the collected amount of the assessment and the amount of the assessment that would have been collected based on the carrier's actual covered lives.

(5) 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."

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

On page 5, line 6, after "plans" insert "and dental plans"

On page 5, line 23, after "received" insert "from business conducted outside of the health benefit exchange under chapter 43.71 RCW"

Representatives Cody and Schmick spoke in favor of the adoption of the amendment.

Amendment (285) was adopted.

Representative Cody moved the adoption of amendment (308).

On page 7, after line 5, insert the following:

"**NEW SECTION. Sec. 8.** Section 6 of this act applies both prospectively and retroactively."

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

Correct the title.

Representatives Cody and Schmick spoke in favor of the adoption of the amendment.

Amendment (308) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1947.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1947, and the bill passed the House by the following vote: Yeas, 69; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Hansen, Harris, Hayes, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Kagi, Kirby, Klippert, Kochmar, Lias, Lytton, Magendanz, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, O'Ban, Ormsby, Orwall, Pedersen, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ryu, Santos, Sawyer, Schmick, Seaquist, Sells, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Upthegrove, Van De Wege, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Angel, Buys, Chandler, Condotta, Crouse, DeBolt, Haler, Hargrove, Hawkins, Holy, Johnson, Kretz, Kristiansen, MacEwen, Manweller, Nealey, Orcutt, Overstreet, Parker, Pike, Ross, Scott, Shea, Short, Taylor, Vick, Walsh, Warnick and Zeiger.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1947, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1727, by Representatives Morrell, Green, Walsh, Ryu, Appleton, Tharinger and Pollet

Raising licensure limits to allow assisted living facilities to serve a higher acuity resident population.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1727 was substituted for House Bill No. 1727 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1727 was read the second time.

Representative Morrell moved the adoption of amendment (76).

On page 3, line 22, after "programs." insert "The notice must be signed and dated by the resident, or his or her representative if the resident lacks capacity. The facility must retain a copy of the signed notice."

On page 3, line 24, after "resident may" strike "then contract for the provision of" and insert "elect to receive the"

On page 3, line 26, after "RCW 18.20.380" insert ", or from the assisted living facility if the facility is an authorized provider under the relevant benefit program"

On page 10, line 17, after "act" insert "which prevent unnecessary payments to assisted living facilities for nursing or rehabilitative therapy services that may be available through other coverage programs"

On page 10, line 19, after "violation" strike "of section 2(6) of this act" and insert "by an assisted living facility of section 2(6) of this act by failing to give notice to a resident and charging the resident for the provision of nursing or rehabilitative services"

Representatives Morrell and Schmick spoke in favor of the adoption of the amendment.

Amendment (76) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Morrell spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1727.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1727, and the bill passed the House by the following vote: Yeas, 61; Nays, 37; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Hansen, Hayes, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kirby, Kochmar, Liias, Lytton, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, O'Ban, Ormsby, Orwall, Pedersen, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Ross, Ryu, Santos, Sawyer, Seaquist, Sells, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Upthegrove, Van De Wege, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Buys, Chandler, Condotta, Crouse, Dahlquist, DeBolt, Fagan, Haler, Hargrove, Harris, Hawkins, Holy, Hope, Hurst, Klippert, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, Nealey, Orcutt, Overstreet, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Taylor, Vick, Walsh, Warnick and Wilcox.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1727, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1445, by Representatives Cody, Green, Jinkins and Morrell

Concerning complex rehabilitation technology products.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1445 was substituted for House Bill No. 1445 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1445 was read the second time.

Representative Alexander moved the adoption of amendment (301).

On page 1, at the beginning of line 15, strike "medically necessary,"

On page 1, beginning on line 17, after "program." strike all material through "take" on page 2, line 2 and insert "This separate recognition shall:

(a) Establish a budget and services category separate from other categories, such as durable medical equipment and supplies;

(b) Take"

On page 2, beginning on line 4, after "medical needs" strike all material through "needs" on line 13 and insert "; and

(c) Establish standards for the purchase of complex rehabilitation technology exclusively from qualified complex rehabilitation technology suppliers"

On page 2, beginning on line 27, after "capacities" strike all material through "capacities" on page 3, line 1

On page 3, line 2, after "requirements" insert "under authority rules"

On page 4, after line 14, insert the following:

"NEW SECTION. Sec. 3. This act takes effect January 1, 2014."

Correct the title.

Representatives Cody and Schmick spoke in favor of the adoption of the amendment.

Amendment (301) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1445.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1445, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Liias, Lytton, MacEwen, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Hargrove, Kristiansen, Magendanz, Overstreet and Taylor.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1445, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1471, by Representatives Riccelli, Schmick, Cody, Clibborn, Ross, Short, Rodne, Green, Angel and Morrell

Updating and aligning with federal requirements hospital health care-associated infection rate reporting.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1471.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1471, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

HOUSE BILL NO. 1471, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1515, by Representatives Cody, Jinkins, Green, Morrell and Ryu

Concerning medical assistants.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1515 was substituted for House Bill No. 1515 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1515 was read the second time.

Representative Cody moved the adoption of amendment (208).

On page 6, line 12, after "surgeries" insert "utilizing no more than local anesthetic"

Representatives Cody and Schmick spoke in favor of the adoption of the amendment.

Amendment (208) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

MOTION

On motion of Representative Van De Wege, Representative Carlyle was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1515.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1515, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Excused: Representative Carlyle.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1515, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1737, by Representatives Morrell, Manweller, Clibborn and Moeller

Concerning supervision of physician assistants.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1737 was substituted for House Bill No. 1737 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1737 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell and Manweller spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1737.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1737, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Excused: Representative Carlyle.

SUBSTITUTE HOUSE BILL NO. 1737, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1679, by Representatives Cody, Jinkins and Ryu

Regarding the disclosure of health care information.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1679 was substituted for House Bill No. 1679 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1679 was read the second time.

Representative Cody moved the adoption of amendment (304).

On page 4, line 37, after "information." insert "For health care information maintained by a hospital as defined in RCW 70.41.020 or a health care facility or health care provider that participates with a hospital in an organized health care arrangement defined under federal law, "information and records related to mental health services" is limited to information and records of services provided by a mental health professional or information and records of services created by a hospital-operated community mental health program as defined in RCW 71.24.025(6)."

On page 5, line 22, after "71.05.020" strike "and" and insert "or"

On page 8, beginning on line 25, after "(a)" strike all material through "(i)" on line 27

On page 8, at the beginning of line 28, strike "~~((b))~~ (ii)" and insert "(b)"

On page 8, beginning on line 30, strike all material through "services" on line 31 and insert "(c) Incident to a use or disclosure that is otherwise permitted or required"

On page 8, at the beginning of line 32, strike "~~((d))~~ (iv)" and insert "(d)"

On page 8, at the beginning of line 35, strike "~~((e))~~ (v)" and insert "(e)"

On page 8, at the beginning of line 36, strike "~~((f))~~ (vi)" and insert "(f)"

On page 9, at the beginning of line 1, strike "~~((g))~~ (b)" and insert "(g)"

On page 9, at the beginning of line 3, strike "~~((h))~~ (c)" and insert "(h)"

On page 9, at the beginning of line 5, strike "~~((and — i))~~ (d)" and insert "~~((and))~~ (i)"

On page 9, at the beginning of line 9, strike "(e)" and insert "(j)"

On page 9, line 14, after "diseases" insert "which are addressed in section 6 of this act"

On page 11, line 33, after "diseases," insert "unless otherwise authorized in section 6 of this act,"

On page 13, line 5, after "(1)" strike "A" and insert "In addition to the disclosures authorized by RCW 70.02.050 and section 5 of this act, a"

On page 13, line 8, after "services" insert "which are addressed by sections 6 through 10 of this act"

On page 14, line 25, after "(2)" strike "A" and insert "In addition to the disclosures required by RCW 70.02.050 and section 5 of this act, a"

On page 14, line 27, after "services" insert "which are addressed by sections 6 through 10 of this act"

On page 16, line 4, after "(2)" strike "A" and insert "In addition to the disclosures required by RCW 70.02.050 and section 4 of this act, a"

On page 16, line 6, after "if" strike "the" and insert "":
(a) The"

On page 16, line 7, after "deaths" insert "":

(b) The disclosure is to a procurement organization or person to whom a body part passes for the purpose of examination necessary to assure the medical suitability of the body part"

On page 20, after line 15, insert the following:

"(7) A person, including a health care facility or health care provider, shall disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease and information and records related to sexually transmitted diseases to federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal certification or registration rules or laws; or when needed to protect the public health. Any health care information obtained under this subsection is exempt from public inspection and copying pursuant to chapter 42.56 RCW."

On page 26, line 11, after "client" insert "":

(z)(i) To the secretary of social and health services for either program evaluation or research, or both so long as the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information

obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/"

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary"

On page 34, beginning on line 29, after "not" strike all material through "aggregated" on line 32 and insert ":

(1) Use or disclose health care information for marketing or fund-raising purposes, unless permitted by federal law; or

(2) Sell health care information to a third party, except in a form that is deidentified and aggregated"

Beginning on page 34, line 35, strike all material through "records," on page 36, line 35 and insert the following:

"(1)(a) Before service of a discovery request or compulsory process on a ((health care provider)) hospital as defined in RCW 70.41.020 for health care information, an attorney shall provide advance notice to the ((health care provider)) hospital and the patient or the patient's attorney involved through service of process or first-class mail, indicating the ((health care provider)) hospital from whom the information is sought, what health care information is sought, and the date by which a protective order must be obtained to prevent the ((health care provider)) hospital from complying. Such date shall give the patient and the ((health care provider)) hospital adequate time to seek a protective order, but in no event be less than fourteen days since the date of service or delivery to the patient and the ((health care provider)) hospital of the foregoing. Thereafter the request for discovery or compulsory process shall be served on the ((health care provider)) hospital.

((2)) (b) Without the written consent of the patient, the ((health care provider)) hospital may not disclose the health care information sought under ((subsection (1))) (a) of this ((section)) subsection if the requestor has not complied with the requirements of ((subsection (1))) (a) of this ((section)) subsection. In the absence of a protective order issued by a court of competent jurisdiction forbidding compliance, the ((health care provider)) hospital shall disclose the information in accordance with this chapter. In the case of compliance, the request for discovery or compulsory process shall be made a part of the patient record.

((3)) (c) Production of health care information under this section, in and of itself, does not constitute a waiver of any privilege, objection, or defense existing under other law or rule of evidence or procedure.

(2)(a) A discovery request or compulsory process for health care information from an entity other than a hospital must be made in accordance with the appropriate civil rules of superior court and include service of a copy of the subpoena on the patient whose records are being sought for disclosure.

(b) Upon receipt of such a request or process, the health care provider shall provide a copy to the patient at the patient's last known address, to the patient's attorney, if known, unless after reasonable inquiry the health care provider is unable to determine the last known address of the patient.

(c) On sending a copy of the request or process as provided in (b) of this subsection, the health care provider has no further obligation to assert a state or federal privilege pertaining to the records or to appear or respond to a motion to compel production of records, and shall produce the records if ordered by a court. If an objection is timely filed by the patient, the patient or the patient's attorney is responsible for asserting or waiving any state or federal privilege that pertains to the records."

On page 36, line 8, after "act" insert "that are not health care providers"

On page 36, line 14, after "70.02.050 (1)(a) and" strike "(2)(a) and" and after "(b)" insert "and (7)"

On page 58, line 25, after "36." strike "This" and insert "Except for section 5 of this act, this"

On page 58, after line 25, insert the following:

"NEW SECTION. Sec. 37. Section 5 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."

Correct the title.

Representatives Cody and Schmick spoke in favor of the adoption of the amendment.

Amendment (304) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Schmick and Jinkins spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1679.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1679, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Chandler, Clibborn, Cody, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Seaquist, Sells, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Crouse, Hawkins, Hayes, Holy, Overstreet, Parker, Scott, Shea and Taylor.

Excused: Representative Carlyle.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1679, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1846, by Representatives Schmick, Cody and Ryu

Concerning stand-alone dental coverage.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1846 was substituted for House Bill No. 1846 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1846 was read the second time.

With the consent of the house, amendment (277) was withdrawn.

Representative Schmick moved the adoption of amendment (309).

On page 2, line 12, after "amended;" strike "and"

On page 2, line 18, after "exchange" insert "; and"

(d) Unless prohibited by federal law and guidance, must allow health carriers to also offer pediatric oral services within the health benefit plan in the nongrandfathered individual and small group markets outside of the exchange"

Representatives Schmick and Cody spoke in favor of the adoption of the amendment.

Amendment (309) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1846.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1846, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Excused: Representative Carlyle.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1846, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1182, by Representatives Harris, Cody, Vick, Nealey, Ryu and Jinkins

Including pharmacists in the legend drug act.

The bill was read the second time.

With the consent of the House, the proposed substitute bill was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick and Jinkins spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1182.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1182, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Excused: Representative Carlyle.

HOUSE BILL NO. 1182, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1534, by Representatives Riccelli, Harris, Ryu and Jinkins

Increasing the impaired dentist program license or renewal surcharge.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1534.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1534, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Overstreet, Scott and Taylor.

Excused: Representative Carlyle.

HOUSE BILL NO. 1534, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1518, by Representatives Cody, Schmick, Ryu and Pollet

Providing certain disciplining authorities with additional authority over budget development, spending, and staffing.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1518 was substituted for House Bill No. 1518 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1518 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1518.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1518, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Clibborn, Cody, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Seaquist, Sells, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger,

Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Crouse, Harris, Kristiansen, Orcutt, Overstreet, Pike, Scott, Shea, Taylor and Vick.

Excused: Representative Carlyle.

SECOND SUBSTITUTE HOUSE BILL NO. 1518, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1519, by Representatives Cody, Green, Jinkins, Ryu and Pollet

Establishing accountability measures for service coordination organizations. Revised for 1st Substitute: Establishing accountability measures for service coordination organizations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1519 was substituted for House Bill No. 1519 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1519 was read the second time.

Representative Cody moved the adoption of amendment (273).

On page 1, beginning on line 9, after "(2)" strike all material through "behavioral" on line 15 and insert "'Department" means the department of social and health services.

(3) "Emerging best practice" or promising practice" means a program or practice that, based on statistical analyses or a well-established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in this section.

(4) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(5) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in this subsection but does not meet the full criteria for evidence-based.

(6) "Service coordination organization" or "service contracting entity" means the authority and department, or an entity that may contract with the state to provide, directly or through subcontracts, a comprehensive delivery system of medical, behavioral, long-term care"

On page 2, line 1, after "under" strike "chapter 74.50" and insert "chapters 74.50 and 70.96A"

On page 2, at the beginning of line 7, strike "coordination organizations" and insert "contracting entities"

On page 2, beginning on line 17, after "(a)" strike all material through "maximized" on line 23 and insert "Maximization of the use

of evidence-based practices will be given priority over the use of research-based and promising practices, and research-based practices will be given priority over the use of promising practices. The agencies will develop strategies to identify programs that are effective with ethnically diverse clients and to consult with tribal governments, experts within ethnically diverse communities and community organizations that serve diverse communities"

On page 2, line 35, after "services" insert ", including ethnically diverse communities"

On page 3, beginning on line 6, after "service" strike all material through "measures" on line 7 and insert "contracting entities to report data related to performance measures and outcomes, including phased implementation of public reporting of outcome and performance measures in a form that allows for comparison of performance measures and levels of improvement between geographic regions of Washington"

On page 3, line 10, after "service" strike "coordination organizations" and insert "contracting entities"

On page 3, line 15, after "service" strike "coordination organizations" and insert "contracting entities"

On page 3, beginning on line 19, after "each" strike "program's efforts to develop expected" and insert "area of"

On page 3, at the beginning of line 24, after "evidence-based" strike "practices related to the program" and insert ", research-based, and promising practices related to the outcomes"

On page 3, beginning on line 26, after "contract with" strike all material through "other" on line 27

On page 3, line 30, after "groups" strike all material through "practices"

Representatives Cody and Schmick spoke in favor of the adoption of the amendment.

Amendment (273) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1519.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1519, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Seaquist, Sells, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko,

Tarleton, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Overstreet, Scott, Shea and Taylor.

Excused: Representative Carlyle.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1519, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1800, by Representatives Cody, Morrell and Schmick

Concerning the compounding of medications for physician offices or ambulatory surgical centers or facilities to be used by a physician for ophthalmic purposes for nonspecific patients.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1800.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1800, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Excused: Representative Carlyle.

HOUSE BILL NO. 1800, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1381, by Representatives Jinkins, Hunt, Wylie, Morrell, Cody, Green, Roberts, Clibborn, Ormsby, Reykdal and Ryu

Regarding administrative adjudicatory proceedings coming before the department of health.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1381 was substituted for House Bill No. 1381 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1381 was read the second time.

Representative Jinkins moved the adoption of amendment (39).

On page 6, line 17 of the substitute bill, after "the" strike "final" and insert "initial"

Representatives Jinkins and Condotta spoke in favor of the adoption of the amendment.

Amendment (39) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jinkins and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1381.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1381, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Excused: Representative Carlyle.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1381, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1527, by Representatives Appleton, Green and Johnson

Concerning residential habilitation center residents' transition to the community.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1527 was substituted for House Bill No. 1527 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1527 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appleton and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1527.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1527, and the bill passed the House by the following vote: Yeas, 81; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Chandler, Clibborn, Cody, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Hawkins, Hayes, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kristiansen, Lias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Seaquist, Sells, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, Crouse, Dahlquist, Harris, Holy, Hurst, Kretz, Overstreet, Pike, Scott, Shea, Short and Taylor.

Excused: Representatives Carlyle, Freeman and Hope.

SUBSTITUTE HOUSE BILL NO. 1527, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1753, by Representatives Jinkins, Hunt, Cody, Goodman, Freeman, Stanford, Fitzgibbon, Bergquist, Sawyer, Green, Ryu, Hope, Moscoso, Lias, Haler, Hudgins, Sullivan, Appleton and Pollet

Regulating interpreter services.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1753 was substituted for House Bill No. 1753 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1753 was read the second time.

With the consent of the house, amendments (312), (176), (177) and (178) to the striking amendment (287) were withdrawn.

Representative Jinkins moved the adoption of amendment (287).

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to procure spoken language interpreter services directly from language access providers through the use of scheduling and billing software or through contracts with scheduling and coordinating organizations, thereby reducing administrative costs while protecting consumers. The legislature further intends to institute quality controls by establishing an advisory group to advise state agencies on the qualifications, training, and education of spoken language interpreters for state certification. The legislature further intends to exclude interpreter services for sensory impaired persons from the provisions of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 39.26 RCW to read as follows:

(1) The department of social and health services and the health care authority are each authorized to purchase interpreter services on behalf of limited-English speaking applicants and recipients of public assistance.

(2) The department of labor and industries is authorized to purchase interpreter services for medical and vocational providers authorized to provide services to limited-English speaking injured workers or crime victims.

(3) No later than September 1, 2015, the department of social and health services, the health care authority, and the department of labor and industries must each purchase spoken language interpreter services directly from language access providers through no more than three contracts with scheduling and coordinating organizations. Each of the departments must be able to provide spoken language interpreter services through telephonic and video remote technologies.

(4) By September 1, 2015, the department of enterprise services must purchase, for all other state agencies, spoken language interpreter services directly from language access providers through no more than three contracts with scheduling and coordinating delivery organizations. The department must be able to provide spoken language interpreter services through telephonic and video remote technologies. If the department determines it is more cost effective or efficient, it may jointly purchase these services with the department of social and health services, the health care authority, or the department of labor and industries as provided in subsection (3) of this section.

(5) If the department of social and health services, the health care authority, and the department of labor and industries determine that it is more cost effective or efficient, they may integrate procurement of spoken language interpreter services through a single centralized system. The department of social and health services, the health care authority, and the department of labor and industries may procure interpreters through the department of enterprise services if the demand for spoken language interpreters cannot be met through their respective contracts.

(6) All language access providers procured under this section must be certified or authorized by the state, or be nationally certified by the certification commission for healthcare interpreters. When a nationally certified, state-certified, or authorized language access provider is not available, a state agency is authorized to contract with a spoken language interpreter with other certifications or qualifications deemed to meet state standards. Nothing in this subsection shall preclude providing interpretive services through state employees or employees of medical or vocational providers.

(6) Nothing in this section is intended to address how state agencies procure interpreters for sensory-impaired persons.

(7) For purposes of this section, "state agency" means any state office or activity of the executive branch of state government, including state agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions, but excludes institutions of higher education as defined in RCW

28B.10.016, the school for the blind, and the center for childhood deafness and hearing loss.

(8) The department of social and health services, the health care authority, the department of labor and industries, and the department of enterprise services may not impose reimbursement rates or obligations established through collective bargaining under RCW 41.56.510 in contracts with entities that do not provide interpreter services through language access providers as defined in RCW 41.56.030 (10).

NEW SECTION. Sec. 3. A new section is added to chapter 39.26 RCW to read as follows:

(1) The department of social and health services shall establish the spoken language interpreter advisory group to advise the departments of social and health services, labor and industries, and enterprise services and the health care authority on the policies, rules, and regulations governing certification and authorization of spoken language interpreters. The secretary, in consultation with the directors, shall make appointments to the advisory group as follows:

(a) One designated representative each from the department of social and health services, the department of labor and industries, the department of enterprise services, or a designee department, and the health care authority;

(b) Three spoken language interpreters, one of whom must provide interpreter services through telephonic and video remote technologies, initial terms being two serving two years, and one serving three years;

(c) One physician licensed by the state under chapter 18.57 or 18.71 RCW, who shall serve an initial three-year term;

(d) One hospital language access administrator, who shall serve an initial two-year term;

(e) Two representatives from immigrant or refugee advocacy organizations, one serving an initial term of one year and the other an initial term of two years;

(f) One representative from a labor organization, serving an initial term of two years;

(g) One member from the public, serving an initial three-year term;

(h) One representative from an entity that provides interpreter services through telephonic and video remote technologies;

(i) One representative for interpreter agencies, serving an initial term of two years; and

(j) One representative from the department of social and health services language testing and certification program.

(2) After initial appointments, members under subsection (1)(b) through (i) of this section shall serve three-year terms and may be appointed to no more than two sequential terms.

(3) Members of the advisory group may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The department of social and health services shall provide staff to the advisory group.

(5) The advisory group shall meet as needed or as requested by the director of the department of social and health services.

NEW SECTION. Sec. 4. A new section is added to chapter 39.26 RCW to read as follows:

The advisory group established under section 3 of this act shall have the following duties:

(1) Develop and recommend policies to enhance the quality of interpreters;

(2) Evaluate the certification standards used by the state, including the code of ethics, other states, and national certifications and make recommendations for improving state certifications and authorizations; and

(3) Other duties as requested.

Sec. 5. RCW 41.56.030 and 2011 1st sp.s. c 21 s 11 are each amended to read as follows:

As used in this chapter:

(1) "Adult family home provider" means a provider as defined in RCW 70.128.010 who receives payments from the medicaid and state-funded long-term care programs.

(2) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(3) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340 (~~or 74.08A.340~~), 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Family child care provider" means a person who: (a) Provides 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; (b) receives child care subsidies; and (c) is either licensed by the state under RCW 74.15.030 or is exempt from licensing under chapter 74.15 RCW.

(8) "Individual provider" means an individual provider as defined in RCW 74.39A.240(4) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.

(9) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(10)(a) "Language access provider" means any independent contractor who provides spoken language interpreter services ((for department of social and health services appointments or medicaid enrollee appointments, or provided these services on or after January 1, 2009, and before June 10, 2010, whether paid by a broker, language access agency, or the department)), whether paid by a language access agency, broker, or the respective department: (i) For department of social and health services appointments or medicaid enrollee appointments, or who provided these services on or after January 1, 2009, and before June 10, 2010; (ii) for department of labor and industries authorized medical and vocational providers, or who provided these services on or after January 1, 2012, and before the effective date of this section; or (iii) for state agencies, or who provided these services on or after January 1, 2012, and before the effective date of this section.

(b) "Language access provider" does not mean an owner, manager, or employee of a broker or a language access agency, an interpreter who provides services through telephonic or video remote technologies from outside the state of Washington, an interpreter under the medicaid administrative match program, or an interpreter appointed or required in a court proceeding pursuant to RCW 2.43.030 or when required by a federal consent decree or settlement agreement.

(c) "Department of social and health services appointments" does not include court proceedings.

(d) "Medicaid enrollee appointments" does not include medicaid

administrative match program appointments or any other service provided pursuant to that program.

(11) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(12) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(13) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(9), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other firefighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

Sec. 6. RCW 41.56.510 and 2010 c 296 s 2 are each amended to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the governor with respect to language access providers. Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer of language access providers who, solely for the purposes of collective bargaining, are public employees. The governor or the governor's designee shall represent the public employer for bargaining purposes.

(2) There shall be collective bargaining, as defined in RCW 41.56.030, between the governor and language access providers, except as follows:

(a) ~~((A statewide unit of all language access providers is))~~ The only language access provider units appropriate for purposes of collective bargaining under RCW 41.56.060 are:

(i) A statewide unit for language access providers who provide spoken language interpreter services for department of social and health services appointments, or medicaid enrollee appointments;

(ii) A statewide unit for language access providers who provide spoken language interpreter services for injured workers or crime victims receiving benefits from the department of labor and industries; and

(iii) A statewide unit for language access providers who provide spoken language interpreter services for any state agency, as defined in section 2 of this act, through the department of enterprise services, excluding language access providers included in (a)(i) and (ii) of this subsection;

(b) The exclusive bargaining representatives of language access providers in the units specified in (a) of this subsection shall be the representatives chosen in ~~((an))~~ elections conducted pursuant to RCW 41.56.070.

Bargaining authorization cards furnished as the showing of interest in support of any representation petition or motion for intervention filed under this section are exempt from disclosure under chapter 42.56 RCW. The public employment relations commission may not certify any bargaining unit under subsection (2)(a)(ii) and (iii) of this section before January 1, 2014;

(c) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for language access providers under this section is limited solely to: (i) Economic compensation, such as the manner and rate of payments; (ii) professional development and training; (iii) labor-management committees; and (iv) grievance procedures. Retirement benefits are not subject to collective bargaining. By such obligation neither party may be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter;

(d) In addition to the entities listed in the mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480, the provisions apply to the governor or the governor's designee and the exclusive bargaining representative of language access providers, except that:

(i) In addition to the factors to be taken into consideration by an interest arbitration panel under RCW 41.56.465, the panel shall consider the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement;

(ii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and benefit provisions of the arbitrated collective bargaining agreement, the decision is not binding on the state;

(e) Language access providers do not have the right to strike;

(f) If a single employee organization is the exclusive bargaining representative for two or more bargaining units, the governor and the employee organization may agree to negotiate a single collective bargaining agreement for all of the bargaining units that the employee organization represents.

(3) Language access providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state for any other purpose. This section applies only to the governance of the collective bargaining relationship between the employer and language access providers as provided in subsections (1) and (2) of this section.

(4) Each party with whom the department of social and health services, the department of labor and industries, and the department of enterprise services contracts for language access services and each of their subcontractors shall provide to the respective department an accurate list of language access providers, as defined in RCW 41.56.030, including their names, addresses, and other contact

information, annually by January 30th, except that initially the lists must be provided within thirty days of ~~((June 10, 2014))~~ the effective date of this section. The departments shall, upon request, provide a list of all language access providers, including their names, addresses, and other contact information, to a labor union seeking to represent language access providers.

(5) If a language access provider cannot be procured through a bargaining unit, a state agency is authorized to contract with any spoken language interpreter provider.

(6) This section does not create or modify:

(a) The ~~((department's))~~ obligation of any state agency to comply with ~~((the))~~ federal statutes and regulations; and

(b) The legislature's right to make programmatic modifications to the delivery of state services under chapter 74.04 or 39.26 RCW or Title 51 RCW. The governor may not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection.

~~((6))~~ (7) Upon meeting the requirements of subsection ~~((7))~~ (8) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section or for legislation necessary to implement the agreement.

~~((7))~~ (8) A request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section may not be submitted by the governor to the legislature unless the request has been:

(a) Submitted to the director of financial management by October 1st prior to the legislative session at which the requests are to be considered, except that, for initial negotiations under this section, the request may not be submitted before July 1, 2011; and

(b) Certified by the director of financial management as financially feasible for the state or reflective of a binding decision of an arbitration panel reached under subsection (2)(d) of this section.

~~((8))~~ (9) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any collective bargaining agreement must be reopened for the sole purpose of renegotiating the funds necessary to implement the agreement.

~~((9))~~ (10) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

~~((10))~~ (11) After the expiration date of any collective bargaining agreement entered into under this section, all of the terms and conditions specified in the agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement.

~~((11))~~ (12) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of language access providers and their exclusive bargaining representative to the extent the activities are authorized by this chapter.

NEW SECTION. Sec. 7. 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."

Representative Haler moved the adoption of amendment (313) to amendment (287).

On page 1, line 5 of the striking amendment, after "procure" insert "in-person"

On page 1, line 7 of the striking amendment, after "organizations," insert "while advancing the availability of telephonic and video remote interpreting to state agencies,"

On page 2, line 4 of the striking amendment, after "must" strike "be able" and insert "also contract with additional entities in order"

On page 2, line 10 of the striking amendment, after "must" strike "be able" and insert "also contract with additional entities in order"

On page 2, line 19 of the striking amendment, after "procurement of" insert "in-person"

Representative Haler and Haler (again) spoke in favor of the adoption of the amendment to the amendment.

Representative Hunt spoke against the adoption of the amendment to the amendment.

Amendment (313) to amendment (287) was not adopted.

Representative Haler moved the adoption of amendment (295) to amendment (287).

On page 2, line 15 of the striking amendment, after "section." insert "Nothing in this section shall prohibit a state agency from procuring interpretive services outside the contract if the agency can secure these services for at least five percent less than the contract price."

Representatives Haler and Shea spoke in favor of the adoption of the amendment to the amendment.

Representative Hunt spoke against the adoption of the amendment to the amendment.

Amendment (295) to amendment (287) was not adopted.

Representative Haler moved the adoption of amendment (292) to amendment (287).

On page 2, line 27 of the striking amendment, after "interpreters" insert "or the national board for certification of medical interpreters"

Representatives Haler and Hunt spoke in favor of the adoption of the amendment to the amendment.

Amendment (292) to amendment (287) was adopted.

Representative Haler moved the adoption of amendment (306) to amendment (287).

On page 3, line 10 of the striking amendment, after "(8)" insert "Nothing in this section or in an agreement bargained pursuant to chapter 41.56 RCW shall prohibit a state agency from procuring interpretive services of any type outside the contract if the agency can secure these services for at least five percent less than the cost of the services actually available through the contract.

(9)"

Representatives Haler and Shea spoke in favor of the adoption of the amendment to the amendment.

Representative Hunt spoke against the adoption of the amendment to the amendment.

Amendment (306) to amendment (287) was not adopted.

Representative Haler moved the adoption of amendment (291) to amendment (287).

On page 5, line 4 of the striking amendment, after "authorizations" strike all material through "requested" on line 5

Representatives Haler and Hunt spoke in favor of the adoption of the amendment to the amendment.

Amendment (291) to amendment (287) was adopted.

Representative Haler moved the adoption of amendment (293) to amendment (287).

On page 6, line 32 of the striking amendment, after "services" insert "in person or"

Representative Haler spoke in favor of the adoption of the amendment to the amendment.

Representative Hunt spoke against the adoption of the amendment to the amendment.

Amendment (293) to amendment (287) was not adopted.

Representative Jinkins spoke in favor of the adoption of the amendment as amended.

Amendment (287) was adopted as amended.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jinkins and Hunt spoke in favor of the passage of the bill.

Representatives Buys, DeBolt and DeBolt (again) spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1753.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1753, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hope, Hudgins, Hunt, Hunter, Jinkins, Kagi, Kirby, Lias, Lytton, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Ryu, Santos, Sawyer, Seaquist, Sells, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Upthegrove, Van De Wege, Wylie and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Buys, Chandler, Condotta, Crouse, Dahlquist, DeBolt, Fagan, Hargrove, Harris, Hawkins, Hayes, Holy, Hurst, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, Nealey, O'Ban, Orcutt, Overstreet, Parker, Pike, Rodne, Ross, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Walsh, Warnick, Wilcox and Zeiger.

Excused: Representative Carlyle.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1753, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1887, by Representatives Sawyer, Ryu, Green and Freeman

Increasing educational options under vocational rehabilitation plans. (REVISED FOR ENGROSSED: Ordering consideration of increased educational options under vocational rehabilitation plans.)

The bill was read the second time.

Representative Sawyer moved the adoption of amendment (38).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 51.32.099 and 2011 c 291 s 2 are each amended to read as follows:

(1)(a) The legislature intends to create improved vocational outcomes for Washington state injured workers and employers through legislative and regulatory change under a pilot program for the period of January 1, 2008, through June 30, 2013. This pilot vocational system is intended to allow opportunities for eligible workers to participate in meaningful retraining in high-demand occupations, improve successful return to work and achieve positive outcomes for workers, reduce the incidence of repeat vocational services, increase accountability and responsibility, and improve cost predictability. To facilitate the study and evaluation of the results of the proposed changes, the department shall establish the temporary funding of certain state fund vocational costs through the medical aid account to ensure the appropriate assessments to employers for the costs of their claims for vocational services in accordance with RCW 51.32.0991.

(b) An independent review and study of the effects of the pilot program shall be conducted to determine whether it has achieved the appropriate outcomes at reasonable cost to the system. The review shall include, at a minimum, a report on the department's performance with regard to the provision of vocational services, the skills acquired by workers who receive retraining services, the types of training programs approved, whether the workers are employed, at what jobs and wages after completion of the training program and at various times subsequent to their claim closure, the number and demographics of workers who choose the option provided in subsection (4)(b) of this section, and their employment and earnings status at various times subsequent to claim closure. The department may adopt rules, in collaboration with the subcommittee created under (c)(iii) of this subsection, to further define the scope and elements of the required study. Reports of the independent researcher are due on December 1, 2010, December 1, 2011, and December 1, 2012.

(c) In implementing the pilot program, the department shall:

(i) Establish a vocational initiative project that includes participation by the department as a partner with WorkSource, the established state system that administers the federal workforce

investment act of 1998. As a partner, the department shall place vocational professional full-time employees at pilot WorkSource locations; refer some workers for vocational services to these vocational professionals; and work with employers in work source pilot areas to market the benefits of on-the-job training programs and with community colleges to reserve slots in high employer demand programs of study as defined in RCW 28B.50.030. These on-the-job training programs and community college slots may be considered by both department and private sector vocational professionals for vocational plan development. The department will also assist stakeholders in developing additional vocational training programs in various industries, including but not limited to agriculture and construction. These programs will expand the choices available to injured workers in developing their vocational training plans with the assistance of vocational professionals.

(ii) Develop and maintain a register of state fund and self-insured workers who have been retrained or have selected any of the vocational options described in this section for at least the duration of the pilot program.

(iii) Create a vocational rehabilitation subcommittee made up of members appointed by the director for at least the duration of the pilot program. This subcommittee shall provide the business and labor partnership needed to maintain focus on the intent of the pilot program, as described in this section, and provide consistency and transparency to the development of rules and policies. The subcommittee shall report to the director at least annually and recommend to the director and the legislature any additional statutory changes needed, which may include extension of the pilot period. The subcommittee shall provide input and oversight with the department concerning the study required under (b) of this subsection. The subcommittee shall provide recommendations for additional changes or incentives for injured workers to return to work with their employer of injury. The subcommittee shall also consider options that, under limited circumstances, would allow injured workers to attend baccalaureate institutions under their vocational rehabilitation plans and, by December 31, 2013, the subcommittee shall provide recommendations to the director and the legislature on statutory changes needed to develop those options.

(iv) The department shall develop an annual report concerning Washington's workers' compensation vocational rehabilitation system to the legislature and to the subcommittee by December 1, 2009, and annually thereafter with the final report due by December 1, 2012. The annual report shall include the number of workers who have participated in more than one vocational training plan beginning with plans approved on January 1, 2008, and in which industries those workers were employed. The final report shall include the department's assessment and recommendations for further legislative action, in collaboration with the subcommittee.

(2)(a) For the purposes of this section, the day the worker commences vocational plan development means the date the department or self-insurer notifies the worker of his or her eligibility for plan development services or of an eligibility determination in response to a dispute of a vocational decision.

(b) When the supervisor or supervisor's designee has decided that vocational rehabilitation is both necessary and likely to make the worker employable at gainful employment, he or she shall be provided with services necessary to develop a vocational plan that, if completed, would render the worker employable. The vocational professional assigned to the claim shall, at the initial meeting with the worker, fully inform the worker of the return-to-work priorities set forth in RCW 51.32.095(2) and of his or her rights and responsibilities under the workers' compensation vocational system. The department shall provide tools to the vocational professional for communicating this and other information required by RCW 51.32.095 and this section to the worker.

(c) On the date the worker commences vocational plan development, the department shall also inform the employer in writing of the employer's right to make a valid return-to-work offer during the first fifteen days following the commencement of vocational plan development. However, at the sole discretion of the supervisor or the supervisor's designee, an employer may be granted an extension of time of up to ten additional days to make a valid return-to-work offer. The additional days may be allowed by the department with or without a request from the employer. The extension may only be granted if the employer made a return-to-work offer to the worker within fifteen days of the date the worker commenced vocational plan development that met some but not all of the requirements in this section. To be valid, the offer must be for bona fide employment with the employer of injury, consistent with the worker's documented physical and mental restrictions as provided by the worker's health care provider. When the employer makes a valid return-to-work offer, the vocational plan development services and temporary total disability compensation shall be terminated effective on the starting date for the job without regard to whether the worker accepts the return-to-work offer.

(d) Following the time period described in (c) of this subsection, the employer may still provide, and the worker may accept, any valid return-to-work offer. The worker's acceptance of such an offer shall result in the termination of vocational plan development or implementation services and temporary total disability compensation effective the day the employment begins.

(3)(a) All vocational plans must contain an accountability agreement signed by the worker detailing expectations regarding progress, attendance, and other factors influencing successful participation in the plan. Failure to abide by the agreed expectations shall result in suspension of vocational benefits pursuant to RCW 51.32.110.

(b) Any formal education included as part of the vocational plan must be for an accredited or licensed program or other program approved by the department. The department shall develop rules that provide criteria for the approval of nonaccredited or unlicensed programs.

(c) The vocational plan for an individual worker must be completed and submitted to the department within ninety days of the day the worker commences vocational plan development. The department may extend the ninety days for good cause. Criteria for good cause shall be provided in rule. The frequency and reasons for good cause extensions shall be reported to the subcommittee created under subsection (1)(c)(iii) of this section.

(d) Costs for the vocational plan may include books, tuition, fees, supplies, equipment, child or dependent care, training fees for on-the-job training, the cost of furnishing tools and other equipment necessary for self-employment or reemployment, and other necessary expenses in an amount not to exceed twelve thousand dollars. This amount shall be adjusted effective July 1 of each year for vocational plans or retraining benefits available under subsection (4)(b) of this section approved on or after this date but before June 30 of the next year based on the average percentage change in tuition for the next fall quarter for all Washington state community colleges.

(e) The duration of the vocational plan shall not exceed two years from the date the plan is implemented. The worker shall receive temporary total disability compensation under RCW 51.32.090 and the cost of transportation while he or she is actively and successfully participating in a vocational plan.

(f) If the worker is required to reside away from his or her customary residence, the reasonable cost of board and lodging shall also be paid.

(4) Vocational plan development services shall be completed within ninety days of commencing. Except as provided in RCW 51.32.095(3), during vocational plan development the worker shall, with the assistance of a vocational professional, participate in

vocational counseling and occupational exploration to include, but not be limited to, identifying possible job goals, training needs, resources, and expenses, consistent with the worker's physical and mental status. A vocational rehabilitation plan shall be developed by the worker and the vocational professional and submitted to the department or self-insurer. Following this submission, the worker shall elect one of the following options:

(a) Option 1: The department or self-insurer implements and the worker participates in the vocational plan developed by the vocational professional and approved by the worker and the department or self-insurer. For state fund claims, the department must review and approve the vocational plan before implementation may begin. If the department takes no action within fifteen days, the plan is deemed approved. The worker may, within fifteen days of the department's approval of the plan or of a determination that the plan is valid following a dispute, elect option 2. However, in the sole discretion of the supervisor or supervisor's designee, the department may approve an election for option 2 benefits that was submitted in writing within twenty-five days of the department's approval of the plan or of a determination that the plan is valid following a dispute if the worker provides a written explanation establishing that he or she was unable to submit his or her election of option 2 benefits within fifteen days. In no circumstance may the department approve of an election for option 2 benefits that was submitted more than twenty-five days after the department's approval of a retraining plan or of a determination that a plan is valid following a dispute.

(i) Following successful completion of the vocational plan, any subsequent assessment of whether vocational rehabilitation is both necessary and likely to enable the injured worker to become employable at gainful employment under RCW 51.32.095(1) shall include consideration of transferable skills obtained in the vocational plan.

(ii) If a vocational plan is successfully completed on a claim which is thereafter reopened as provided in RCW 51.32.160, the cost and duration available for any subsequent vocational plan is limited to that in subsection (3)(d) and (e) of this section, less that previously expended.

(b) Option 2: The worker declines further vocational services under the claim and receives an amount equal to six months of temporary total disability compensation under RCW 51.32.090. The award is payable in biweekly payments in accordance with the schedule of temporary total disability payments, until such award is paid in full. These payments shall not include interest on the unpaid balance. However, upon application by the worker, and at the discretion of the department, the compensation may be converted to a lump sum payment. The vocational costs defined in subsection (3)(d) of this section shall remain available to the worker, upon application to the department or self-insurer, for a period of five years. The vocational costs shall, if expended, be available for programs or courses at any accredited or licensed institution or program from a list of those approved by the department for tuition, books, fees, supplies, equipment, and tools, without department or self-insurer oversight. The department shall issue an order as provided in RCW 51.52.050 confirming the option 2 election, setting a payment schedule, and terminating temporary total disability benefits effective the date of the order confirming that election. The department shall thereafter close the claim. A worker who elects option 2 benefits shall not be entitled to further temporary total, or to permanent total, disability benefits except upon a showing of a worsening in the condition or conditions accepted under the claim such that claim closure is not appropriate, in which case the option 2 selection will be rescinded and the amount paid to the worker will be assessed as an overpayment. A claim that was closed based on the worker's election of option 2 benefits may be reopened as provided in RCW 51.32.160, but cannot be reopened for the sole purpose of allowing the worker to seek vocational assistance.

(i) If within five years from the date the option 2 order becomes final, the worker is subsequently injured or suffers an occupational disease or reopens the claim as provided in RCW 51.32.160, and vocational rehabilitation is found both necessary and likely to enable the injured worker to become employable at gainful employment under RCW 51.32.095(1), the duration of any vocational plan under subsection (3)(e) of this section shall not exceed eighteen months.

(ii) If the available vocational costs are utilized by the worker, any subsequent assessment of whether vocational rehabilitation is both necessary and likely to enable the injured worker to become employable at gainful employment under RCW 51.32.095(1) shall include consideration of the transferable skills obtained.

(iii) If the available vocational costs are utilized by the worker and the claim is thereafter reopened as provided in RCW 51.32.160, the cost available for any vocational plan is limited to that in subsection (3)(d) of this section less that previously expended.

(iv) Option 2 may only be elected once per worker.

(c) The director, in his or her sole discretion, may provide the worker vocational assistance not to exceed that in subsection (3) of this section, without regard to the worker's prior option selection or benefits expended, where vocational assistance would prevent permanent total disability under RCW 51.32.060.

(5)(a) As used in this section, "vocational plan interruption" means an occurrence which disrupts the plan to the extent the employability goal is no longer attainable. "Vocational plan interruption" does not include institutionally scheduled breaks in educational programs, occasional absence due to illness, or modifications to the plan which will allow it to be completed within the cost and time provisions of subsection (3)(d) and (e) of this section.

(b) When a vocational plan interruption is beyond the control of the worker, the department or self-insurer shall recommence plan development. If necessary to complete vocational services, the cost and duration of the plan may include credit for that expended prior to the interruption. A vocational plan interruption is considered outside the control of the worker when it is due to the closure of the accredited institution, when it is due to a death in the worker's immediate family, or when documented changes in the worker's accepted medical conditions prevent further participation in the vocational plan.

(c) When a vocational plan interruption is the result of the worker's actions, the worker's entitlement to benefits shall be suspended in accordance with RCW 51.32.110. If plan development or implementation is recommenced, the cost and duration of the plan shall not include credit for that expended prior to the interruption. A vocational plan interruption is considered a result of the worker's actions when it is due to the failure to meet attendance expectations set by the training or educational institution, failure to achieve passing grades or acceptable performance review, unaccepted or postinjury conditions that prevent further participation in the vocational plan, or the worker's failure to abide by the accountability agreement per subsection (3)(a) of this section."

Correct the title.

Representatives Sawyer and Manweller spoke in favor of the adoption of the amendment.

Amendment (38) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sawyer and Manweller spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1887.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1887, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Overstreet and Scott.

Excused: Representative Carlyle.

ENGROSSED HOUSE BILL NO. 1887, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Orwall to preside.

HOUSE BILL NO. 1773, by Representatives Morrell, Rodne, Cody, Green, Ryu, Liias, Farrell and Santos

Concerning the practice of midwifery.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1773 was substituted for House Bill No. 1773 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1773 was read the second time.

Representative Morrell moved the adoption of amendment (242).

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

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

Representatives Morrell and Schmick spoke in favor of the adoption of the amendment.

Amendment (242) was adopted.

Representative Morrell moved the adoption of amendment (37).

On page 2, line 12, after "years;" strike "and"

On page 2, line 13, after "(b)" insert "Proof of participation in a Washington state coordinated quality improvement program as detailed in rule;

(c) Proof of participation in data submission on perinatal outcomes to a national or state research organization, as detailed in rule; and

(d)"

On page 2, line 16, after "requirements" insert "and the department's process for verification of the third-party data submission"

Representatives Morrell and Schmick spoke in favor of the adoption of the amendment.

Amendment (37) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Morrell spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1773.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1773, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Sells, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Overstreet, Scott, Shea and Taylor.

Excused: Representative Carlyle.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1773, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1565, by Representatives Harris, Green, Jinkins, Cody, Ryu and Morrell

Funding the prescription monitoring program from the medicaid fraud penalty account.

The bill was read the second time.

With the consent of the house, amendment (237) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Harris and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1565.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1565, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Excused: Representative Carlyle.

HOUSE BILL NO. 1565, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1000, by Representatives Moeller, Morrell, Wylie, McCoy, Ryu, Reykdal, Seaquist, Moscoso, Appleton, Green, Cody, Ormsby and Jinkins

Providing immunity for health care providers following directions contained in a form developed pursuant to RCW 43.70.480.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1000 was substituted for House Bill No. 1000 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1000 was read the second time.

With the consent of the house, amendment (153) to the striking amendment (71) was withdrawn.

Representative Moeller moved the adoption of amendment (71).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.70.480 and 2000 c 70 s 1 are each amended to read as follows:

(1) The department of health shall adopt guidelines and protocols for how emergency medical personnel shall respond when summoned to

the site of an injury or illness for the treatment of a person who has signed a written directive or durable power of attorney requesting that he or she not receive futile emergency medical treatment. The guidelines shall include development of a ~~((simple))~~ medical order form that shall be used statewide.

(2) Any provider as defined in subsection (3)(a) (i), (ii), or (iii) of this section or any facility, who participates in the provision of medical care or in the withholding or withdrawal of life- sustaining treatment, or any provider defined in subsection (3)(a) (iv) or (v) of this section, who participates in the provision of or the withholding or withdrawal of life-sustaining treatment, in accordance with the directions contained in the form developed under subsection (1) of this section is immune from legal liability, including civil, criminal, and professional conduct sanctions, as long as such participation has been conducted in good faith, within the scope of his or her credentials or employment, and is not found to be negligent under chapter 7.70 RCW.

(3) For purposes of this section:

(a) "Provider" includes:

(i) A physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, a podiatric physician licensed under chapter 18.22 RCW, an advanced registered nurse practitioner licensed under chapter 18.79 RCW, a physician assistant licensed under chapter 18.71A RCW, and an osteopathic physician's assistant licensed under chapter 18.57A RCW;

(ii) Any credentialed health care provider acting under the direction of an individual identified in (a)(i) of this subsection;

(iii) Any credentialed provider listed under RCW 18.71.210;

(iv) Any credentialed provider regulated under chapter 18.130 RCW; and

(v) Any long-term care worker exempted from certification requirements under RCW 18.88B.041(1).

(b) "Facility" includes a hospital licensed under chapter 70.41 RCW, a nursing home licensed under chapter 18.51 RCW, a home care agency, a home health agency or hospice agency licensed under chapter 70.127 RCW, a community residential services business established under chapter 71A.10 RCW, an assisted living facility licensed under chapter 18.20 RCW, an adult family home licensed under chapter 70.128 RCW, an institution licensed under chapter 71.12 RCW, a state hospital designated under chapter 72.23 RCW, a clinic that is part of a community mental health service delivery system established under chapter 71.24 RCW, a long-term care facility as defined in RCW 43.190.020, any state veterans' home established under chapter 72.36 RCW, any entity identified in RCW 18.71.210, and any kidney disease treatment center.

(4) Nothing in this chapter may be interpreted to change the standard of care with respect to: (a) Health care provided in accordance with a directive under chapter 70.122 RCW; or (b) persons authorized to provide informed consent to health care on behalf of a patient who is not competent to consent under RCW 7.70.065."

Correct the title.

Representative Pedersen moved the adoption of amendment (238) to amendment (71).

On page 1, line 12 of the striking amendment, after "(2)" strike all material through "(3)(a)(i)" and insert "Except as otherwise provided in subsection (3), any provider as defined in subsection (4)(a)(i)"

On page 1, line 15 of the striking amendment, after "subsection" strike "(3)(a)(iv)" and insert "(4)(a)(iv)"

On page 1, line 24 of the striking amendment, after "(3)" insert "The immunity provided in subsection (2) shall not apply if the

provider or facility knows or would know based on an examination of records in its possession that either:

(a) The instructions contained in the form are inconsistent with an advance directive that has not been modified or revoked and that was executed by the patient pursuant to 70.122 RCW or a similar statute from another jurisdiction; or

(b) The patient has executed and has not revoked a durable power of attorney, including the authority to make medical decisions, pursuant to 11.94 RCW or a similar statute of another jurisdiction and the form was executed by someone other than the patient or the person holding the power of attorney.

(4)"

On page 2, at the beginning of line 23 of the striking amendment, strike "(4)" and insert "(5)"

Representatives Pedersen and Sawyer spoke in favor of the adoption of the amendment to the amendment.

Representatives Moeller, Rodne and Morrell spoke against the adoption of the amendment to the amendment.

Amendment (238) to amendment (71) was not adopted.

Representative Moeller spoke in favor of the adoption of amendment (71).

Amendment (71) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Moeller, Rodne, Rodne (again), Klippert, Appleton, Overstreet and Moeller (again) spoke in favor of the passage of the bill.

Representatives Pedersen, Shea, Sawyer, O'Ban, Goodman and Shea (again) spoke against the passage of the bill.

MOTIONS

On motion of Representative Van De Wege, Representative Freeman was excused. On motion of Representative Harris, Representative Hope was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1000.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1000, and the bill passed the House by the following vote: Yeas, 59; Nays, 36; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Appleton, Bergquist, Blake, Chandler, Clibborn, Cody, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Green, Haigh, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Klippert, Liias, Lytton, MacEwen, Magendanz, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, Ormsby, Orwall, Pettigrew, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Uptegrove, Van De Wege, Walsh, Warnick, Wylie and Mr. Speaker.

Voting nay: Representatives Angel, Buys, Condotta, Crouse, DeBolt, Goodman, Habib, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hunter, Kirby, Kochmar, Kretz, Kristiansen, Manweller, O'Ban, Orcutt, Overstreet, Parker, Pedersen, Pike, Pollet, Sawyer, Scott, Shea, Short, Smith, Taylor, Vick, Wilcox and Zeiger.

Excused: Representatives Carlyle, Freeman and Hope.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1000, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Moeller to preside.

HOUSE BILL NO. 1435, by Representatives Goodman and Nealey

Clarifying agency relationships in reconveyances of deeds of trust.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1435 was substituted for House Bill No. 1435 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1435 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1435.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1435, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Excused: Representatives Carlyle, Freeman and Hope.

SUBSTITUTE HOUSE BILL NO. 1435, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1828, by Representatives Springer, Wilcox, Takko, Chandler, Hunter, Condotta, Nealey, Fey and Tharinger

Addressing the fiscal conditions of local government.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1828 was substituted for House Bill No. 1828 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1828 was read the second time.

Representative Takko moved the adoption of amendment (299).

On page 2, line 12, after "consists of" strike "eleven" and insert "twelve"

On page 2, line 18, after "counties," insert "one member appointed by the chair of the commission from among three candidates provided by a statewide association representing county officials,"

Representatives Takko and Taylor spoke in favor of the adoption of the amendment.

Amendment (299) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer, Condotta and Smith spoke in favor of the passage of the bill.

Representatives Taylor, Angel and Orcutt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1828.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1828, and the bill passed the House by the following vote: Yeas, 57; Nays, 38; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Blake, Chandler, Clibborn, Cody, Condotta, Dunshee, Farrell, Fey, Fitzgibbon, Goodman, Green, Habib, Haigh, Hansen, Hudgins, Hunt, Hunter, Hurst, Jinkins, Kagi, Kirby, Liias, Lytton, MacEwen, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, O'Ban, Ormsby, Orwall, Pedersen, Pettigrew, Pollet, Riccelli, Roberts, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Upthegrove, Van De Wege, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Buys, Crouse, Dahlquist, DeBolt, Fagan, Haler, Hargrove, Harris, Hawkins, Hayes, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, Magendanz, Manweller, Nealey, Orcutt, Overstreet, Parker, Pike,

Reykdal, Rodne, Ross, Sawyer, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Walsh and Warnick.

Excused: Representatives Carlyle, Freeman and Hope.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1828, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1422, by Representatives Condotta and Hurst

Changing the criteria for the beer and wine tasting endorsement for grocery stores.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1422 was substituted for House Bill No. 1422 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1422 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Condotta and Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1422.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1422, and the bill passed the House by the following vote: Yeas, 83; Nays, 12; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Chandler, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Habib, Haigh, Haler, Hansen, Hargrove, Hawkins, Hayes, Holy, Hunt, Hunter, Hurst, Jinkins, Johnson, Kirby, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morris, Moscoso, Nealey, O'Ban, Ormsby, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Crouse, Goodman, Green, Harris, Hudgins, Kagi, Klippert, Morrell, Orcutt, Orwall, Stanford and Van De Wege.

Excused: Representatives Carlyle, Freeman and Hope.

SUBSTITUTE HOUSE BILL NO. 1422, having received the necessary constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 1527 passed the House.

RECONSIDERATION

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1527, on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1527, on reconsideration, and the bill passed the House by the following vote: Yeas, 81; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Chandler, Clibborn, Cody, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Hawkins, Hayes, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Seaquist, Sells, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, Crouse, Dahlquist, Harris, Holy, Hurst, Kretz, Overstreet, Pike, Scott, Shea, Short and Taylor.

Excused: Representatives Carlyle, Freeman and Hope.

SUBSTITUTE HOUSE BILL NO. 1527, on reconsideration, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1004
HOUSE BILL NO. 1064
HOUSE BILL NO. 1263
HOUSE BILL NO. 1618
HOUSE BILL NO. 1683
HOUSE BILL NO. 1697
HOUSE BILL NO. 1745

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 12, 2013, the 58th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

1000	Second Reading.....	30
1000-S	Second Reading.....	30
	Amendment Offered.....	30
	Third Reading Final Passage.....	31
1004	Other Action.....	32
1064	Other Action.....	32
1108	Second Reading.....	3
	Third Reading Final Passage.....	3
1114	Second Reading.....	6
1114-S2	Second Reading.....	6
	Amendment Offered.....	6
	Third Reading Final Passage.....	7
1182	Second Reading.....	21
	Third Reading Final Passage.....	21
1263	Other Action.....	32
1381	Second Reading.....	23
1381-S	Second Reading.....	23
	Amendment Offered.....	23
	Third Reading Final Passage.....	23
1383	Second Reading.....	7
1383-S	Second Reading.....	7
	Amendment Offered.....	7
	Third Reading Final Passage.....	14
1399	Second Reading.....	4
1399-S	Second Reading.....	4
	Amendment Offered.....	4
	Third Reading Final Passage.....	4
1422	Second Reading.....	32
1422-S	Second Reading.....	32
	Third Reading Final Passage.....	32
1435	Second Reading.....	31
1435-S	Second Reading.....	31
	Third Reading Final Passage.....	31
1445	Second Reading.....	17
1445-S2	Second Reading.....	18
	Amendment Offered.....	18
	Third Reading Final Passage.....	18
1471	Second Reading.....	18
	Third Reading Final Passage.....	18
1499	Second Reading.....	16
1499-S	Second Reading.....	16
	Third Reading Final Passage.....	16

1515	Second Reading.....	18
1515-S	Second Reading.....	18
	Amendment Offered.....	18
	Third Reading Final Passage.....	19
1518	Second Reading.....	22
1518-S2	Second Reading.....	22
	Third Reading Final Passage.....	22
1519	Second Reading.....	22
1519-S	Second Reading.....	22
	Amendment Offered.....	22
	Third Reading Final Passage.....	23
1522	Second Reading.....	4
1522-S2	Second Reading.....	5
	Amendment Offered.....	5
	Third Reading Final Passage.....	5
1527	Second Reading.....	23
1527-S	Second Reading.....	23
	Third Reading Final Passage.....	24
	Third Reading Final Passage, on Reconsideration.....	32
	Other Action.....	32
1531	Second Reading.....	4
	Third Reading Final Passage.....	4
1534	Second Reading.....	21
	Third Reading Final Passage.....	22
1565	Second Reading.....	29
	Third Reading Final Passage.....	30
1613	Second Reading.....	3
1613-S	Second Reading.....	3
	Third Reading Final Passage.....	4
1618	Other Action.....	32
1627	Second Reading.....	6
1627-S2	Second Reading.....	6
	Third Reading Final Passage.....	6
1679	Second Reading.....	19
1679-S	Second Reading.....	19
	Amendment Offered.....	19
	Third Reading Final Passage.....	20
1683	Other Action.....	32
1697	Other Action.....	32
1727	Second Reading.....	17
1727-S2	Second Reading.....	17
	Amendment Offered.....	17

Third Reading Final Passage	17
1737	
Second Reading	19
1737-S	
Second Reading	19
Third Reading Final Passage	19
1745	
Other Action	32
1753	
Second Reading	24
1753-S	
Second Reading	24
Amendment Offered	24
Third Reading Final Passage	27
1773	
Second Reading	29
1773-S	
Second Reading	29
Amendment Offered	29
Third Reading Final Passage	29
1774	
Second Reading	14
1774-S	
Second Reading	14
Amendment Offered	14
Third Reading Final Passage	15
1777	
Second Reading	6
1777-S2	
Second Reading	6
Third Reading Final Passage	6
1795	
Second Reading	16
Third Reading Final Passage	16
1800	
Second Reading	23
Third Reading Final Passage	23
1828	
Second Reading	31
1828-S2	
Second Reading	31
Amendment Offered	31
Third Reading Final Passage	32
1846	
Second Reading	20
1846-S	
Second Reading	21
Amendment Offered	21
Third Reading Final Passage	21
1887	
Second Reading	27
Amendment Offered	27
Third Reading Final Passage	29
1947	
Second Reading	16
1947-S	
Second Reading	16
Amendment Offered	16
Third Reading Final Passage	17
5045-S	
Introduction & 1st Reading	1
5054-S	
Introduction & 1st Reading	1
5135-S	
Introduction & 1st Reading	1
5165-S	

Introduction & 1st Reading 1
 5187-S
 Introduction & 1st Reading 1
 5213-S2
 Introduction & 1st Reading 1
 5256-S
 Introduction & 1st Reading 1
 5282-S
 Introduction & 1st Reading 1
 5287-S
 Introduction & 1st Reading 1
 5289-S
 Introduction & 1st Reading 1
 5297
 Introduction & 1st Reading 2
 5337
 Introduction & 1st Reading 2
 5476
 Introduction & 1st Reading 2
 5540-S2
 Introduction & 1st Reading 2
 5565-S
 Introduction & 1st Reading 2
 5577-S
 Introduction & 1st Reading 2
 5591-S
 Introduction & 1st Reading 2
 5641
 Introduction & 1st Reading 2
 5691-S
 Introduction & 1st Reading 2
 5715
 Introduction & 1st Reading 2
 5747
 Introduction & 1st Reading 2
 5754-S
 Introduction & 1st Reading 2
 5761-S
 Introduction & 1st Reading 3
 5775
 Introduction & 1st Reading 3
 5804-S
 Introduction & 1st Reading 3
 8006
 Introduction & 1st Reading 3
 8402
 Introduction & 1st Reading 3
 Other Action 3
 HOUSE OF REPRESENTATIVES
 Personal Privilege, Representative Hayes 5