

## EIGHTIETH DAY

House Chamber, Olympia, Wednesday, April 1, 2015

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

### RESOLUTION

**HOUSE RESOLUTION NO. 4629, by Representatives S. Hunt, Reykdal, Short, Appleton, Takko, Sawyer, Santos, Pollet, Ryu, Moeller, Springer, Magendanz, Sullivan, Chopp, Pettigrew, Orwall, Hunter, Carlyle, Wylie, Gregerson, McBride, Peterson, Kilduff, Kagi, Robinson, Clibborn, Cody, Ormsby, Jinkins, Blake, Hansen, Stanford, Fitzgibbon, Walkinshaw, Haler, Morris, Holy, Caldier, Fagan, Kochmar, Johnson, Senn, Bergquist, Zeiger, Sells, Van Werven, Stambaugh, Orcutt, Muri, MacEwen, Manweller, McCabe, DeBolt, Griffey, and Walsh**

WHEREAS, For 20 years TVW has opened state government to the people of Washington, offering unedited "gavel-to-gavel" coverage of government deliberations and public policy events of statewide significance since signal activation on April 10, 1995; and

WHEREAS, TVW was the brainchild of Congressman Denny Heck, who currently represents Washington's 10th Congressional District, and previously served as majority leader in the Washington State House of Representatives and chief of staff to Governor Booth Gardner and veteran state government official Stan Marshburn; and

WHEREAS, TVW's founders believed that the people of Washington deserved to be able to watch their elected officials in action, even if they could not be physically present in Olympia; and

WHEREAS, Since its inception, TVW has televised well over 30,000 hours of public policy proceedings, including coverage of the legislative, executive, and judicial branches of government, state agencies, state elections, and public policy events hosted by nongovernmental organizations; and

WHEREAS, The first event televised by TVW was a death penalty case before the Washington State Supreme Court, through which TVW also made history with the first-ever televised state court proceeding; and

WHEREAS, TVW televises all floor debates in the Washington State Senate and House of Representatives, offers live and archived coverage of all committee hearings in the Senate and House via television or webcast on-demand, and archives all of its coverage for citizens to view online, on-demand; and

WHEREAS, When the Legislature is not meeting in Olympia, TVW's mobile camera units cover legislative and public policy events across Washington, which are available on TVW's increasingly popular web site, tvw.org, which handles over 5 million online plays of its videos each year, with demand continuing to grow steadily; and

WHEREAS, The cable television industry carries TVW for free, giving TVW \$7 million per year in free carriage and enabling TVW to reach two-thirds of state residents via television; and

WHEREAS, TVW allows the news media free access to its footage, making it easier for television, radio, and newspaper reporters to cover state government even when not physically present at the Capitol; and

WHEREAS, TVW educates young people about civics and government through its free civics education programs for teachers and students throughout the state, including its "Teach with TVW" web site, innovative "Capitol Classroom" program, and award-winning "Engaged: Students Becoming Citizens" video series; and

WHEREAS, TVW produces award-winning shows, including *Inside Olympia*, *The Impact*, and *Legislative Review*, which highlight key legislative debates and decisions; and

WHEREAS, TVW has won four regional Emmy Awards in its history, including three Emmy Awards in the last two years;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives congratulate TVW on 20 years of service to the people of Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to TVW's president and CEO, and the TVW Board of Directors.

The Speaker (Representative Orwall presiding) stated the question before the House to be adoption of House Resolution No. 4629.

HOUSE RESOLUTION NO. 4629 was adopted.

### RESOLUTION

**HOUSE RESOLUTION NO. 4630, by Representatives S. Hunt, Reykdal, Appleton, Sawyer, Santos, Pollet, Goodman, Moeller, Springer, Magendanz, Sullivan, Chopp, Pettigrew, Van De Wege, Lytton, Orwall, Hunter, Carlyle, Wylie, Gregerson, McBride, Peterson, Kilduff, Kagi, Robinson, Clibborn, Cody, Ormsby, Jinkins, Takko, Blake, Hansen, Stanford, Fitzgibbon, Walkinshaw, Morris, Haler, Caldier, Kochmar, Bergquist, Zeiger, Fagan, Sells, Ryu, Johnson, MacEwen, Manweller, McCabe, DeBolt, and Griffey**

WHEREAS, Dr. Thomas L. "Les" Purce is retiring from his position as president of The Evergreen State College in August 2015, after serving fifteen years in the position and two prior years as interim president; and

WHEREAS, Dr. Purce previously served at Washington State University as Vice President of Extended University Affairs and Dean of Extended Academic Programs; and

WHEREAS, Dr. Purce is an exemplar of a public servant in higher education, with his twenty-six year career in Washington state preceded by public service at the University of Idaho as the Special Assistant to the President and Director of the Research Park and Economic Development; election as the first African American elected official in the state of Idaho, where he served as

a mayor and council member for the City of Pocatello; and service as the director of Idaho's departments of Administration and Health and Welfare under Governor John Evans; and

WHEREAS, Under Dr. Purce's leadership, Evergreen has been consistently recognized as a national leader and model in the development of interdisciplinary learning communities that combine and coordinate several academic subjects in an innovative approach to study of the arts and sciences; and

WHEREAS, Dr. Purce guided Evergreen's strong promotion and pursuit of community engagement, curricular innovation, and development of academic programs that encourage students to apply classroom learning to practical problems in their professional, civic, academic, and artistic pursuits; and

WHEREAS, Under Dr. Purce's leadership, Evergreen has emerged as a leader in reducing the length of time and cost required to earn a bachelor's degree, and has been repeatedly recognized as a top public liberal arts and science institution by U.S. News and World Report, the Princeton Review, and Washington Monthly; and

WHEREAS, Dr. Purce worked actively with faculty and staff to achieve above average student engagement on many benchmark measures of the National Survey of Student Engagement, including level of academic challenge, active and collaborative learning, student-faculty interaction, enriching educational experiences, and supportive campus environment; and

WHEREAS, Dr. Purce strengthened Evergreen's commitment to serving, educating, and graduating underrepresented students by establishing the College as a leader for historically underrepresented, first-generation, and low-income students, and expanding partnerships with Washington's tribes and military partners; and

WHEREAS, Dr. Purce has overseen the growth of Evergreen's main campus in Olympia; program in Tacoma; partnerships with Grays Harbor College, South Puget Sound Community College, and Centralia College; unique reservation-based program for Native American students at six locations in the Puget Sound; and more than 400 articulation agreements with over thirty Washington community colleges; and

WHEREAS, Dr. Purce successfully guided Evergreen through the economic crisis of the Great Recession, while still strengthening the College's commitment to serving underrepresented students in the liberal arts and sciences; and

WHEREAS, Dr. Purce's professional legacy of true dedication towards higher education will continue to live on through the students and faculty he inspired and worked with;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and congratulate Dr. Thomas L. "Les" Purce for his twenty-eight years of service to higher education in Washington, and for his dedication to quality, efficiency, diversity, equity, and sustainability in the liberal arts and sciences; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Dr. Purce and the Board of Trustees of The Evergreen State College.

The Speaker 4630 stated the question before the House to be adoption of .

was adopted.

#### RESOLUTION

**HOUSE RESOLUTION NO. 4632, by Representatives Stambaugh, Fagan, Johnson, Orwall, Griffey, Zeiger, MacEwen, Kochmar, Ryu, Walsh, Muri, S. Hunt, and McCabe**

WHEREAS, The annual Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and

WHEREAS, 2015 marks the 82nd annual Daffodil Festival, and the theme of this year's festival is "Shine Your Light With Service"; and

WHEREAS, The mission of the Daffodil Festival is to focus national and regional attention on our local area as a place to live and visit, to give citizens of Pierce County a civic endeavor where "Shine Your Light With Service" comes alive, to foster civic pride, to give young people and organizations of the local area an opportunity to display their talents and abilities, to give voice to citizens' enthusiasm through parades, pageantry, and events, and to stimulate the economy through expenditures by and for the Festival and by visitors attracted during Festival Week; and

WHEREAS, The Festival began in 1926 as a modest garden party in Sumner and grew steadily each year until 1934, when flowers, which previously had been largely discarded in favor of daffodil bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Festival's 2015 events include the 82nd Annual Grand Floral Street Parade on April 11, 2015—winding its way from downtown Tacoma through the communities of Puyallup, Sumner, and Orting, and consisting of approximately 150 entries, including bands, marching and mounted units, and floats that are decorated with fresh-cut Daffodils numbering in the thousands—and will culminate with the Marine parade on April 12, 2015; and

WHEREAS, This year's Festival royalty includes Pelumi Ajibade, Stadium; Ashley Becker, Bonney Lake; Kenzie Bjornson, Cascade Christian; Kyla Farris, Rogers; Madison Gordon, Wilson; Kasey Hewitt, Lakes; Emily Inskeep, Chief Leschi; Jaskirat Kaur, Emerald Ridge; Madison Lindahl, Puyallup; Rachel Price, Eatonville; Bailey Rasmussen, White River; Kaitlin Ringus, Fife; Nicole Ripley, Henry Foss; Tia Robbins, Franklin Pierce; Ransom Satterlee, Bethel; Athena Sok, Lincoln; Victoria Ann Tirado, Clover Park; Bailee Towns, Graham Kapowsin; Taylor Trujillo, Spanaway Lake; Samantha Ward, Sumner; Sharon Washington, Washington; Shannon Woods, Mt. Tahoma; Madison Zahn, Orting; and Lyndsay Zemanek, Curtis;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the many contributions made to our state by the Daffodil Festival and its organizers for the past eighty-two years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the 2015 Daffodil Festival Officers and to the members of the Festival Royalty.

The Speaker (Representative Orwall presiding) stated the question before the House to be adoption of House Resolution No. 4632.

HOUSE RESOLUTION NO. 4632 was adopted.

#### RESOLUTION

**HOUSE RESOLUTION NO. 4633, by Representatives Gregory and Kochmar**

WHEREAS, It is the policy of the Washington State House of Representatives to recognize the extraordinary accomplishments of high school students and athletes; and

WHEREAS, The Federal Way Eagles boys' basketball team started an incredible journey in December 2014 that ended with the

Class 4A State Boys' Basketball Championship trophy being lifted high above their heads in March 2015; and

WHEREAS, The Federal Way Eagles were able to overcome all odds and win this competition for the second time in their school's history; and

WHEREAS, The Federal Way Eagles exhibited a season-long dedication to training and teamwork that led to their championship; and

WHEREAS, The championship is celebrated by each and every member of the team, and the team's managers and coaches; and

WHEREAS, The leadership of Coach Jerome Collins set the direction for this accomplished and inspired team; and

WHEREAS, Coach Jerome Collins also inspired the Federal Way Eagles to win their first championship during the 2008-2009 season; and

WHEREAS, The Federal Way Eagles were sustained in their drive to this victory through the staunch support of family and community, and their resonating expressions of enthusiastic support;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor the Federal Way Eagles boys' basketball team, whose commitment, exceptional teamwork, and athletic achievements make them admirable holders of the 2015 4A State Boys' Basketball Championship trophy; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Federal Way Eagles boys' basketball team, the team's managers and coaches, and the Federal Way High School principal.

The Speaker (Representative Orwall presiding) stated the question before the House to be adoption of House Resolution No. 4633.

HOUSE RESOLUTION NO. 4633 was adopted.

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

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

## REPORTS OF STANDING COMMITTEES

March 30, 2015

E2SSB 5057 Prime Sponsor, Committee on Ways & Means: Concerning the safe transport of hazardous materials. Reported by Committee on Environment

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.56.005 and 2010 1st sp.s. c 7 s 72 are each amended to read as follows:

(1) The legislature declares that waterborne transportation as a source of supply for oil and hazardous substances poses special concern for the state of Washington. Each year billions of gallons of crude oil and refined petroleum products are transported as cargo and fuel by vessels on the navigable waters of the state. The movement of crude oil through rail corridors and over Washington waters creates safety and environmental risks. The sources and transport of crude oil bring risks to our communities along rail lines and to the Columbia river, Grays Harbor, and Puget Sound

waters. These shipments are expected to increase in the coming years. Vessels and trains transporting oil into Washington travel on some of the most unique and special marine environments in the United States. These marine environments are a source of natural beauty, recreation, and economic livelihood for many residents of this state. As a result, the state has an obligation to ensure the citizens of the state that the waters of the state will be protected from oil spills.

(2) The legislature finds that prevention is the best method to protect the unique and special marine environments in this state. The technology for containing and cleaning up a spill of oil or hazardous substances is at best only partially effective. Preventing spills is more protective of the environment and more cost-effective when all the response and damage costs associated with responding to a spill are considered. Therefore, the legislature finds that the primary objective of the state is to achieve a zero spills strategy to prevent any oil or hazardous substances from entering waters of the state.

(3) The legislature also finds that:

(a) Recent accidents in Washington, Alaska, southern California, Texas, Pennsylvania, and other parts of the nation have shown that the transportation, transfer, and storage of oil have caused significant damage to the marine environment;

(b) Even with the best efforts, it is nearly impossible to remove all oil that is spilled into the water, and average removal rates are only fourteen percent;

(c) Washington's navigable waters are treasured environmental and economic resources that the state cannot afford to place at undue risk from an oil spill;

(d) The state has a fundamental responsibility, as the trustee of the state's natural resources and the protector of public health and the environment to prevent the spill of oil; and

(e) In section 5002 of the federal oil pollution act of 1990, the United States congress found that many people believed that complacency on the part of industry and government was one of the contributing factors to the Exxon Valdez spill and, further, that one method to combat this complacency is to involve local citizens in the monitoring and oversight of oil spill plans. Congress also found that a mechanism should be established that fosters the long-term partnership of industry, government, and local communities in overseeing compliance with environmental concerns in the operation of crude oil terminals. Moreover, congress concluded that, in addition to Alaska, a program of citizen monitoring and oversight should be established in other major crude oil terminals in the United States because recent oil spills indicate that the safe transportation of oil is a national problem.

(4) In order to establish a comprehensive prevention and response program to protect Washington's waters and natural resources from spills of oil, it is the purpose of this chapter:

(a) To establish state agency expertise in marine safety and to centralize state activities in spill prevention and response activities;

(b) To prevent spills of oil and to promote programs that reduce the risk of both catastrophic and small chronic spills;

(c) To ensure that responsible parties are liable, and have the resources and ability, to respond to spills and provide compensation for all costs and damages;

(d) To provide for state spill response and wildlife rescue planning and implementation;

(e) To support and complement the federal oil pollution act of 1990 and other federal law, especially those provisions relating to the national contingency plan for cleanup of oil spills and discharges, including provisions relating to the responsibilities of state agencies designated as natural resource trustees. The legislature intends this chapter to be interpreted and implemented in a manner consistent with federal law;

(f) To provide broad powers of regulation to the department of ecology relating to spill prevention and response;

(g) To provide for independent review on an ongoing basis the adequacy of oil spill prevention, preparedness, and response activities in this state; ~~(and)~~

(h) To provide an adequate funding source for state response and prevention programs; and

(i) To maintain the best achievable protection that can be obtained through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable.

**Sec. 2.** RCW 88.46.010 and 2011 c 122 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering:

- (a) The additional protection provided by the measures;
- (b) The technological achievability of the measures; and
- (c) The cost of the measures.

(2)(a) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration:

(i) Processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development; and

(ii) Processes that are currently in use.

(b) In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(4) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(5) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

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

(7) "Director" means the director of the department of ecology.

(8) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(9)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) For the purposes of oil spill contingency planning in RCW 90.56.210, advanced notice of oil transfers in section 8 of this act, and financial responsibility in RCW 88.40.025, facility also means a railroad that is not owned by the state that transports oil as bulk cargo.

(c) A facility does not include any: (i) ~~(Railroad car.)~~ Motor vehicle ~~(or other rolling stock)~~ while transporting oil over the highways ~~(or rail lines)~~ of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) marine fuel outlet

that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(10) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(11) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(12) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land. "Offshore facility" does not include a marine facility.

(13) "Oil" or "oils" means oil of any kind that is liquid at ~~(atmospheric temperature)~~ twenty-five degrees Celsius and one atmosphere of pressure and any fractionation thereof, including, but not limited to, crude oil, bitumen, synthetic crude oil, natural gas well condensate, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section ~~((401(14)))~~ 102(a) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(14) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(15)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(16) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(17) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(18) "Race Rocks light" means the nautical landmark located southwest of the city of Victoria, British Columbia.

(19) "Regional vessels of opportunity response group" means a group of nondedicated vessels participating in a vessels of opportunity response system to respond when needed and available to spills in a defined geographic area.

(20) "Severe weather conditions" means observed nautical conditions with sustained winds measured at forty knots and wave heights measured between twelve and eighteen feet.

(21) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(22) "Spill" means an unauthorized discharge of oil into the waters of the state.

(23) "Strait of Juan de Fuca" means waters off the northern coast of the Olympic Peninsula seaward of a line drawn from New Dungeness light in Clallam county to Discovery Island light on Vancouver Island, British Columbia, Canada.

(24) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(25) "Umbrella plan holder" means a nonprofit corporation established consistent with this chapter for the purposes of providing oil spill response and contingency plan coverage.

(26) "Vessel emergency" means a substantial threat of pollution originating from a covered vessel, including loss or serious degradation of propulsion, steering, means of navigation, primary electrical generating capability, and seakeeping capability.

(27) "Vessels of opportunity response system" means nondedicated boats and operators, including fishing and other vessels, that are under contract with and equipped by contingency plan holders to assist with oil spill response activities, including on-water oil recovery in the near shore environment and the placement of oil spill containment booms to protect sensitive habitats.

(28) "Volunteer coordination system" means an oil spill response system that, before a spill occurs, prepares for the coordination of volunteers to assist with appropriate oil spill response activities, which may include shoreline protection and cleanup, wildlife recovery, field observation, light construction, facility maintenance, donations management, clerical support, and other aspects of a spill response.

(29) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(30) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

**Sec. 3.** RCW 90.56.010 and 2007 c 347 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Board" means the pollution control hearings board.

(4) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(5) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(6) "Committee" means the preassessment screening committee established under RCW 90.48.368.

(7) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

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

(9) "Director" means the director of the department of ecology.

(10) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(11)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) For the purposes of oil spill contingency planning in RCW 90.56.210, advanced notice of oil transfers in section 8 of this act, and financial responsibility in RCW 88.40.025, facility also means a railroad that is not owned by the state that transports oil as bulk cargo.

(c) A facility does not include any: (i) ~~(Railroad car,)~~ Motor vehicle ~~(, or other rolling stock)~~ while transporting oil over the highways ~~(, or rail lines)~~ of this state; (ii) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; (iii) motor vehicle motor fuel outlet; (iv) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(12) "Fund" means the state coastal protection fund as provided in RCW 90.48.390 and 90.48.400.

(13) "Having control over oil" shall include but not be limited to any person using, storing, or transporting oil immediately prior to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil.

(14) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(15) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(16) "Necessary expenses" means the expenses incurred by the department and assisting state agencies for (a) investigating the source of the discharge; (b) investigating the extent of the environmental damage caused by the discharge; (c) conducting actions necessary to clean up the discharge; (d) conducting predamage and damage assessment studies; and (e) enforcing the provisions of this chapter and collecting for damages caused by a discharge.

(17) "Oil" or "oils" means oil of any kind that is liquid at ~~((atmospheric temperature))~~ twenty-five degrees Celsius and one atmosphere of pressure and any fractionation thereof, including, but not limited to, crude oil, bitumen, synthetic crude oil, natural gas well condensate, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section ~~((401(14)))~~ 102(a) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(18) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(19) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(20)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(21) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(22) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(23) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(24) "Spill" means an unauthorized discharge of oil or hazardous substances into the waters of the state.

(25) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(26) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(27) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

(28) "Crude oil" means any naturally occurring hydrocarbons coming from the earth that are liquid at twenty-five degrees Celsius and one atmosphere of pressure including, but not limited to, crude oil, bitumen and diluted bitumen, synthetic crude oil, and natural gas well condensate.

**Sec. 4.** RCW 90.56.200 and 2000 c 69 s 19 are each amended to read as follows:

(1) The owner or operator for each onshore and offshore facility, except as determined in subsection (3) of this section, shall prepare and submit to the department an oil spill prevention plan in conformance with the requirements of this chapter. The plans shall be submitted to the department in the time and manner directed by the department. The spill prevention plan may be consolidated with a spill contingency plan submitted pursuant to RCW 90.56.210. The department may accept plans prepared to comply with other state or federal law as spill prevention plans to the extent those plans comply with the requirements of this chapter. The department, by rule, shall establish standards for spill prevention plans.

(2) The spill prevention plan for an onshore or offshore facility shall:

(a) Establish compliance with the federal oil pollution act of 1990, if applicable, and financial responsibility requirements under federal and state law;

(b) Certify that supervisory and other key personnel in charge of transfer, storage, and handling of oil have received certification pursuant to RCW 90.56.220;

(c) Certify that the facility has an operations manual required by RCW 90.56.230;

(d) Certify the implementation of alcohol and drug use awareness programs;

(e) Describe the facility's maintenance and inspection program and contain a current maintenance and inspection record of the storage and transfer facilities and related equipment;

(f) Describe the facility's alcohol and drug treatment programs;

(g) Describe spill prevention technology that has been installed, including overflow alarms, automatic overflow cut-off switches, secondary containment facilities, and storm water retention, treatment, and discharge systems;

(h) Describe any discharges of oil to the land or the water of more than twenty-five barrels in the prior five years and the measures taken to prevent a reoccurrence;

(i) Describe the procedures followed by the facility to contain and recover any oil that spills during the transfer of oil to or from the facility;

(j) Provide for the incorporation into the facility during the period covered by the plan of those measures that will provide the best achievable protection for the public health and the environment; and

(k) Include any other information reasonably necessary to carry out the purposes of this chapter required by rules adopted by the department.

(3) Plan requirements in subsection (2) of this section are not applicable to railroad facility operators while transporting oil over rail lines of this state.

(4) The department shall only approve a prevention plan if it provides the best achievable protection from damages caused by the discharge of oil into the waters of the state and if it determines that the plan meets the requirements of this section and rules adopted by the department.

~~((4))~~ (5) Upon approval of a prevention plan, the department shall provide to the person submitting the plan a statement indicating that the plan has been approved, the facilities covered by the plan, and other information the department determines should be included.

~~((5))~~ (6) The approval of a prevention plan shall be valid for five years. An owner or operator of a facility shall notify the department in writing immediately of any significant change of which it is aware affecting its prevention plan, including changes in any factor set forth in this section or in rules adopted by the department. The department may require the owner or operator to update a prevention plan as a result of these changes.

~~((6))~~ (7) The department by rule shall require prevention plans to be reviewed, updated, if necessary, and resubmitted to the department at least once every five years.

~~((7))~~ (8) Approval of a prevention plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

~~((8))~~ (9) This section does not authorize the department to modify the terms of a collective bargaining agreement.

**Sec. 5.** RCW 90.56.210 and 2005 c 78 s 1 are each amended to read as follows:

(1) Each onshore and offshore facility shall have a contingency plan for the containment and cleanup of oil spills from the facility into the waters of the state and for the protection of fisheries and wildlife, shellfish beds, natural resources, and public and private property from such spills. The department shall by rule adopt and periodically revise standards for the preparation of contingency plans. The department shall require contingency plans, at a minimum, to meet the following standards:

(a) Include full details of the method of response to spills of various sizes from any facility which is covered by the plan;

(b) Be designed to be capable in terms of personnel, materials, and equipment, of promptly and properly, to the maximum extent practicable, as defined by the department removing oil and minimizing any damage to the environment resulting from a worst case spill;

(c) Provide a clear, precise, and detailed description of how the plan relates to and is integrated into relevant contingency plans which have been prepared by cooperatives, ports, regional entities, the state, and the federal government;

(d) Provide procedures for early detection of oil spills and timely notification of such spills to appropriate federal, state, and local authorities under applicable state and federal law;

(e) State the number, training preparedness, and fitness of all dedicated, prepositioned personnel assigned to direct and implement the plan;

(f) Incorporate periodic training and drill programs to evaluate whether personnel and equipment provided under the plan are in a state of operational readiness at all times;

(g) Describe important features of the surrounding environment, including fish and wildlife habitat, shellfish beds, environmentally and archaeologically sensitive areas, and public facilities. The departments of ecology, fish and wildlife, and natural resources, and the ~~(office)~~ department of archaeology and historic preservation, upon request, shall provide information that they have available to assist in preparing this description. The description of archaeologically sensitive areas shall not be required to be included in a contingency plan until it is reviewed and updated pursuant to subsection (9) of this section;

(h) State the means of protecting and mitigating effects on the environment, including fish, shellfish, marine mammals, and other wildlife, and ensure that implementation of the plan does not pose unacceptable risks to the public or the environment;

(i) Provide arrangements for the prepositioning of oil spill containment and cleanup equipment and trained personnel at strategic locations from which they can be deployed to the spill site to promptly and properly remove the spilled oil;

(j) Provide arrangements for enlisting the use of qualified and trained cleanup personnel to implement the plan;

(k) Provide for disposal of recovered spilled oil in accordance with local, state, and federal laws;

(l) Until a spill prevention plan has been submitted pursuant to RCW 90.56.200, state the measures that have been taken to reduce the likelihood that a spill will occur, including but not limited to, design and operation of a facility, training of personnel, number of personnel, and backup systems designed to prevent a spill;

(m) State the amount and type of equipment available to respond to a spill, where the equipment is located, and the extent to which other contingency plans rely on the same equipment; and

(n) If the department has adopted rules permitting the use of dispersants, the circumstances, if any, and the manner for the application of the dispersants in conformance with the department's rules.

(2)(a) The following shall submit contingency plans to the department within six months after the department adopts rules

establishing standards for contingency plans under subsection (1) of this section:

(i) Onshore facilities capable of storing one million gallons or more of oil; and

(ii) Offshore facilities.

(b) Contingency plans for all other onshore and offshore facilities shall be submitted to the department within eighteen months after the department has adopted rules under subsection (1) of this section. The department may adopt a schedule for submission of plans within the eighteen-month period.

(3) The department by rule shall determine the contingency plan requirements for railroads transporting oil in bulk. Federal oil spill response plans created pursuant to 33 U.S.C. Sec. 1321 may be submitted in lieu of contingency plans until state rules are adopted.

~~(4)~~(a) The owner or operator of a facility shall submit the contingency plan for the facility.

(b) A person who has contracted with a facility to provide containment and cleanup services and who meets the standards established pursuant to RCW 90.56.240, may submit the plan for any facility for which the person is contractually obligated to provide services. Subject to conditions imposed by the department, the person may submit a single plan for more than one facility.

~~((4))~~ (5) A contingency plan prepared for an agency of the federal government or another state that satisfies the requirements of this section and rules adopted by the department may be accepted by the department as a contingency plan under this section. The department shall ensure that to the greatest extent possible, requirements for contingency plans under this section are consistent with the requirements for contingency plans under federal law.

~~((5))~~ (6) In reviewing the contingency plans required by this section, the department shall consider at least the following factors:

(a) The adequacy of containment and cleanup equipment, personnel, communications equipment, notification procedures and call down lists, response time, and logistical arrangements for coordination and implementation of response efforts to remove oil spills promptly and properly and to protect the environment;

(b) The nature and amount of vessel traffic within the area covered by the plan;

(c) The volume and type of oil being transported within the area covered by the plan;

(d) The existence of navigational hazards within the area covered by the plan;

(e) The history and circumstances surrounding prior spills of oil within the area covered by the plan;

(f) The sensitivity of fisheries, shellfish beds, and wildlife and other natural resources within the area covered by the plan;

(g) Relevant information on previous spills contained in on-scene coordinator reports prepared by the department; and

(h) The extent to which reasonable, cost-effective measures to prevent a likelihood that a spill will occur have been incorporated into the plan.

~~((6))~~ (7) The department shall approve a contingency plan only if it determines that the plan meets the requirements of this section and that, if implemented, the plan is capable, in terms of personnel, materials, and equipment, of removing oil promptly and properly and minimizing any damage to the environment.

~~((7))~~ (8) The approval of the contingency plan shall be valid for five years. Upon approval of a contingency plan, the department shall provide to the person submitting the plan a statement indicating that the plan has been approved, the facilities or vessels covered by the plan, and other information the department determines should be included.

~~((8))~~ (9) An owner or operator of a facility shall notify the department in writing immediately of any significant change of

which it is aware affecting its contingency plan, including changes in any factor set forth in this section or in rules adopted by the department. The department may require the owner or operator to update a contingency plan as a result of these changes.

~~((9))~~ (10) The department by rule shall require contingency plans to be reviewed, updated, if necessary, and resubmitted to the department at least once every five years.

~~((10))~~ (11) Approval of a contingency plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

**Sec. 6.** RCW 90.56.500 and 2009 c 11 s 9 are each amended to read as follows:

(1) The state oil spill response account is created in the state treasury. All receipts from RCW 82.23B.020(1) shall be deposited in the account. All costs reimbursed to the state by a responsible party or any other person for responding to a spill of oil shall also be deposited in the account. Moneys in the account shall be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) The account shall be used exclusively to pay for:

(a) The costs associated with the response to spills or threats of spills of crude oil or petroleum products into the ~~((navigable))~~ waters of the state; and

(b) The costs associated with the department's use of ~~((the))~~ an emergency response towing vessel ~~((as described in RCW 88.46.135))~~.

(3) Payment of response costs under subsection (2)(a) of this section shall be limited to spills which the director has determined are likely to exceed ~~((fifty))~~ one thousand dollars.

(4) Before expending moneys from the account, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under subsection (2) of this section from the person responsible for the spill and from other sources, including the federal government.

(5) Reimbursement for response costs from this account shall be allowed only for costs which are not covered by funds appropriated to the agencies responsible for response activities. Costs associated with the response to spills of crude oil or petroleum products shall include:

(a) Natural resource damage assessment and related activities;

(b) Spill related response, containment, wildlife rescue, cleanup, disposal, and associated costs;

(c) Interagency coordination and public information related to a response; and

(d) Appropriate travel, goods and services, contracts, and equipment.

**Sec. 7.** RCW 90.56.510 and 2000 c 69 s 22 are each amended to read as follows:

(1) The oil spill prevention account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. If, on the first day of any calendar month, the balance of the oil spill response account is greater than nine million dollars and the balance of the oil spill prevention account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, 1999, and the biennium ending June 30,

2001, the state treasurer may transfer a total of up to one million dollars from the oil spill response account to the oil spill prevention account to support appropriations made from the oil spill prevention account in the omnibus appropriations act adopted not later than June 30, 1999.

(2) Expenditures from the oil spill prevention account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. In addition, until June 30, 2019, expenditures from the oil spill prevention account may be used for the development and annual review of local emergency planning committee emergency response plans in RCW 38.52.040(3). Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill prevention account. Costs of prevention include the costs of:

(a) Routine responses not covered under RCW 90.56.500;

(b) Management and staff development activities;

(c) Development of rules and policies and the statewide plan provided for in RCW 90.56.060;

(d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;

(e) Interagency coordination and public outreach and education;

(f) Collection and administration of the tax provided for in chapter 82.23B RCW; and

(g) Appropriate travel, goods and services, contracts, and equipment.

(3) Before expending moneys from the account for a response under subsection (2)(a) of this section, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under this section from the person responsible for the spill and from other sources, including the federal government.

**NEW SECTION. Sec. 8.** A new section is added to chapter 90.56 RCW to read as follows:

(1)(a) A facility that receives crude oil from a railroad car must provide advance notice to the department that the facility will receive crude oil from a railroad car, as provided in this section. The advance notice must include the route taken to the facility within the state, if known, and the scheduled time, location, volume, and type of crude oil received. Each week, a facility that provides advance notice under this section must provide the required information regarding the scheduled arrival of railroad cars carrying crude oil to be received by the facility in the succeeding seven-day period. A facility is not required to provide advance notice when there is no receipt of crude oil from a railroad car scheduled for a seven-day period.

(b) Twice per year, pipelines must report to the department the following information about the crude oil transported by the pipeline through the state: The volume of crude oil, the type of crude oil, and the types of diluting agents used in the crude oil. This report must be submitted each year by July 31st for the period January 1st through June 30th and by January 31st for the period July 1st through December 31st.

(2) The department may share information provided by a facility through the advance notice system established in this section with the state emergency management division and any county, city, tribal, port, or local government emergency response agency upon request.

(3) The department must publish information collected under this section on a quarterly basis on the department's internet web site. With respect to the information reported under subsection (1)(a) of this section, the information published by the department must be aggregated on a statewide basis by route through the state, by week, and by type of crude oil. The report may also include other information available to the department including, but not

limited to, place of origin, modes of transport, number of railroad cars delivering crude oil, and number and volume of spills during transport and delivery.

(4)(a) A facility providing advance notice under this section is not responsible for meeting advance notice time frame requirements under subsection (1) of this section in the event that the schedule of arrivals of railroad cars carrying crude oil changes during a seven-day period.

(b) Twice per year, a facility must submit a report to the department that corrects inaccuracies in the advanced notices submitted under subsection (1) of this section. The facility is not required to correct in the report any insubstantial discrepancies between actual and scheduled train arrival times. The report must be submitted each year by July 31st for the period January 1st through June 30th and by January 31st for the period July 1st through December 31st.

(5) Consistent with the requirements of chapter 42.56 RCW, the department and any state, local, tribal, or public agency that receives information provided under this section may not disclose any such information to the public or to nongovernmental entities that is not aggregated and that contains proprietary, commercial, or financial information. The requirement for aggregating information does not apply when information is shared by the department with emergency response agencies as provided in subsection (2) of this section.

(6) The department shall adopt rules to implement this section. The advance notice system required in this section must be consistent with the oil transfer reporting system adopted by the department pursuant to RCW 88.46.165.

**NEW SECTION. Sec. 9.** A new section is added to chapter 90.56 RCW to read as follows:

The department shall periodically evaluate and update planning standards for oil spill response equipment required under contingency plans required by this chapter in order to ensure access in the state to equipment that represents the best achievable protection to respond to a worst case spill and provide for continuous operation of oil spill response activities to the maximum extent practicable and without jeopardizing crew safety, as determined by the incident commander or the unified command.

**Sec. 10.** RCW 88.40.011 and 2007 c 347 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Barge" means a vessel that is not self-propelled.

(2) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel, fishing vessel, or a passenger vessel, of three hundred or more gross tons.

(3) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(4) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

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

(6) "Director" means the director of the department of ecology.

(7)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from any vessel with an oil carrying capacity over two hundred fifty barrels or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) For the purposes of oil spill contingency planning in RCW 90.56.210, advanced notice of oil transfers in section 8 of this act, and financial responsibility in RCW 88.40.025, facility also means a railroad that is not owned by the state that transports oil as bulk cargo.

(c) A facility does not include any: (i) ~~(Railroad car,)~~ Motor vehicle ~~(or other rolling stock)~~ while transporting oil over the highways ~~(or rail lines)~~ of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(8) "Fishing vessel" means a self-propelled commercial vessel of three hundred or more gross tons that is used for catching or processing fish.

(9) "Gross tons" means tonnage as determined by the United States coast guard under 33 C.F.R. section 138.30.

(10) "Hazardous substances" means any substance listed as of March 1, 2003, in Table 302.4 of 40 C.F.R. Part 302 adopted under section ~~((401(14)))~~ 102(a) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499. The following are not hazardous substances for purposes of this chapter:

(a) Wastes listed as F001 through F028 in Table 302.4; and

(b) Wastes listed as K001 through K136 in Table 302.4.

(11) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(12) "Oil" or "oils" means oil of any kind that is liquid at ~~((atmospheric temperature))~~ twenty-five degrees Celsius and one atmosphere of pressure and any fractionation thereof, including, but not limited to, crude oil, bitumen, synthetic crude oil, natural gas well condensate, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed as of March 1, 2003, in Table 302.4 of 40 C.F.R. Part 302 adopted under section ~~((401(14)))~~ 102(a) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(13) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(14) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(15)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(16) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(17) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(18) "Spill" means an unauthorized discharge of oil into the waters of the state.

(19) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(20) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(21) "Certificate of financial responsibility" means an official written acknowledgment issued by the director or the director's designee that an owner or operator of a covered vessel or facility, or the owner of the oil, has demonstrated to the satisfaction of the director or the director's designee that the relevant entity has the financial ability to pay for costs and damages caused by an oil spill.

**Sec. 11.** RCW 88.40.020 and 2003 c 91 s 3 and 2003 c 56 s 3 are each reenacted and amended to read as follows:

(1) Any barge that transports hazardous substances in bulk as cargo, using any port or place in the state of Washington or the navigable waters of the state shall establish evidence of financial responsibility in the amount of the greater of five million dollars, or three hundred dollars per gross ton of such vessel.

(2)(a) Except as provided in (b) or (c) of this subsection, a tank vessel that carries oil as cargo in bulk shall demonstrate financial responsibility to pay at least five hundred million dollars. The amount of financial responsibility required under this subsection is one billion dollars after January 1, 2004.

(b) The director by rule may establish a lesser standard of financial responsibility for tank vessels of three hundred gross tons or less. The standard shall set the level of financial responsibility based on the quantity of cargo the tank vessel is capable of carrying. The director shall not set the standard for tank vessels of three hundred gross tons or less below that required under federal law.

(c) The owner or operator of a tank vessel who is a member of an international protection and indemnity mutual organization and is covered for oil pollution risks up to the amounts required under this section is not required to demonstrate financial responsibility under this chapter. The director may require the owner or operator of a tank vessel to prove membership in such an organization.

(3)(a) A cargo vessel or passenger vessel that carries oil as fuel shall demonstrate financial responsibility to pay at least three hundred million dollars. However, a passenger vessel that transports passengers and vehicles between Washington state and a foreign country shall demonstrate financial responsibility to pay the greater of at least six hundred dollars per gross ton or five hundred thousand dollars.

(b) The owner or operator of a cargo vessel or passenger vessel who is a member of an international protection and indemnity mutual organization and is covered for oil pollution risks up to the amounts required under this section is not required to demonstrate financial responsibility under this chapter. The director may require the owner or operator of a cargo vessel or passenger vessel to prove membership in such an organization.

(4) A fishing vessel while on the navigable waters of the state must demonstrate financial responsibility in the following amounts: (a) For a fishing vessel carrying predominantly nonpersistent product, one hundred thirty-three dollars and forty cents per incident, for each barrel of total oil storage capacity, persistent and nonpersistent product, on the vessel or one million three hundred thirty-four thousand dollars, whichever is greater; or (b) for a fishing vessel carrying predominantly persistent product, four hundred dollars and twenty cents per incident, for each barrel

of total oil storage capacity, persistent product and nonpersistent product, on the vessel or six million six hundred seventy thousand dollars, whichever is greater.

~~(5) The ((documentation of financial responsibility shall demonstrate the ability of the document holder to meet state and federal financial liability requirements for the actual costs for removal of oil spills, for natural resource damages, and for necessary expenses)) certificate of financial responsibility is conclusive evidence that the person or entity holding the certificate is the party responsible for the specified vessel, facility, or oil for purposes of determining liability pursuant to this chapter.~~

(6) This section shall not apply to a covered vessel owned or operated by the federal government or by a state or local government.

**Sec. 12.** RCW 88.40.025 and 1991 c 200 s 704 are each amended to read as follows:

An onshore or offshore facility shall demonstrate financial responsibility in an amount determined by the department as necessary to compensate the state and affected counties and cities for damages that might occur during a reasonable worst case spill of oil from that facility into the navigable waters of the state. The department shall ~~((consider such matters as the amount of oil that could be spilled into the navigable waters from the facility, the cost of cleaning up the spilled oil, the frequency of operations at the facility, the damages that could result from the spill and the commercial availability and affordability of financial responsibility))~~ adopt by rule an amount that will be calculated by multiplying the reasonable per barrel cleanup and damage cost of spilled oil, times the reasonable worst case spill volume, as measured in barrels. This section shall not apply to an onshore or offshore facility owned or operated by the federal government or by the state or local government.

**Sec. 13.** RCW 88.40.030 and 2000 c 69 s 32 are each amended to read as follows:

(1) Financial responsibility required by this chapter may be established by any one of, or a combination of, the following methods acceptable to the department of ecology: ~~((1))~~ (a) Evidence of insurance; ((2)) (b) surety bonds; ((3)) (c) qualification as a self-insurer; ((4)) (d) guaranty; (e) letter of credit; (f) certificate of deposits; (g) protection and indemnity club membership; or (h) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States. Documentation of such financial responsibility shall be kept on any covered vessel and filed with the department at least twenty-four hours before entry of the vessel into the navigable waters of the state. A covered vessel is not required to file documentation of financial responsibility twenty-four hours before entry of the vessel into the navigable waters of the state, if the vessel has filed documentation of financial responsibility with the federal government, and the level of financial responsibility required by the federal government is the same as or exceeds state requirements. The owner or operator of the vessel may file with the department a certificate evidencing compliance with the requirements of another state's or federal financial responsibility requirements if the state or federal government requires a level of financial responsibility the same as or greater than that required under this chapter.

(2) A certificate of financial responsibility may not have a term greater than one year.

**Sec. 14.** RCW 88.40.040 and 2003 c 56 s 4 are each amended to read as follows:

(1) ~~((It is unlawful for any vessel required to have financial responsibility under this chapter to enter or operate on Washington waters without meeting the requirements of this chapter or rules adopted under this chapter, except))~~ A vessel or facility need not demonstrate financial responsibility under this chapter prior to

using any port or place in the state of Washington or the navigable waters of the state when necessary to avoid injury to the vessel's or facility's crew or passengers. Any vessel owner or operator that does not meet the financial responsibility requirements of this chapter and any rules prescribed thereunder or the federal oil pollution act of 1990 shall be reported by the department to the United States coast guard.

(2) ((The department shall enforce section 1016 of the federal oil pollution act of 1990 as authorized by section 1019 of the federal act.)) Upon notification of an oil spill or discharge or other action or potential liability, the director shall reevaluate the validity of the certificate of financial responsibility. If the director determines that, because of a spill outside of the state or some other action or potential liability, the holder of a certificate may not have the financial resources to pay damages for the oil spill or discharge or other action or potential liability and have resources remaining available to meet the requirements of this chapter, the director may suspend or revoke the certificate.

(3) An owner or operator of more than one covered vessel, more than one facility, or one or more vessels and facilities, is only required to obtain a single certificate of financial responsibility that applies to all of the owner or operator's vessels and facilities.

(4) If a person holds a certificate for more than one covered vessel or facility and a spill or spills occurs from one or more of those vessels or facilities for which the owner or operator may be liable for damages in an amount exceeding five percent of the financial resources reflected by the certificate, as determined by the director, the certificate is immediately considered inapplicable to any vessel or facility not associated with the spill. In that event, the owner or operator shall demonstrate to the satisfaction of the director the amount of financial ability required pursuant to this chapter, as well as the financial ability to pay all damages that arise or have arisen from the spill or spills that have occurred.

**Sec. 15.** RCW 88.16.170 and 1991 c 200 s 601 are each amended to read as follows:

Because of the danger of spills, the legislature finds that the transportation of crude oil and refined petroleum products by tankers on the Columbia river, Grays Harbor, and on Puget Sound and adjacent waters creates a great potential hazard to important natural resources of the state and to jobs and incomes dependent on these resources.

The legislature recognizes that the Columbia river has many natural obstacles to navigation and shifting navigation channels that create the risk of an oil spill. The legislature also recognizes Grays Harbor and Puget Sound and adjacent waters are ((a)) relatively confined salt water environments with irregular shorelines and therefore there is a greater than usual likelihood of long-term damage from any large oil spill.

The legislature further recognizes that certain areas of the Columbia river, Grays Harbor, and Puget Sound and adjacent waters have limited space for maneuvering a large oil tanker and that these waters contain many natural navigational obstacles as well as a high density of commercial and pleasure boat traffic.

For these reasons, it is important that large oil tankers be piloted by highly skilled persons who are familiar with local waters and that such ((tankers)) vessels have sufficient capability for rapid maneuvering responses.

It is therefore the intent and purpose of RCW 88.16.180 and 88.16.190 to decrease the likelihood of oil spills on the Columbia river, Grays Harbor, and on Puget Sound and its shorelines by ((requiring all oil tankers above a certain size to employ licensed pilots and to be escorted by a tug or tugs while navigating on certain areas of Puget Sound and adjacent waters)) establishing safety requirements that comprehensively address spill risks, which may include the establishment of tug escorts and other measures to mitigate safety risks in certain state waters.

**Sec. 16.** RCW 88.16.190 and 1994 c 52 s 1 are each amended to read as follows:

(1) ((Any oil tanker, whether enrolled or registered, of greater than one hundred and twenty five thousand deadweight tons shall be prohibited from proceeding beyond a point east of a line extending from Discovery Island light south to New Dungeness light.

(2) An oil tanker, whether enrolled or registered, of forty to one hundred and twenty five thousand deadweight tons may proceed beyond the points enumerated in subsection (1) if such tanker possesses all of the following standard safety features:

(a) Shaft horsepower in the ratio of one horsepower to each two and one half deadweight tons; and

(b) Twin screws; and

(c) Double bottoms, underneath all oil and liquid cargo compartments; and

(d) Two radars in working order and operating, one of which must be collision avoidance radar; and

(e) Such other navigational position location systems as may be prescribed from time to time by the board of pilotage commissioners:

PROVIDED, That, if such forty to one hundred and twenty five thousand deadweight ton tanker is in ballast or is under escort of a tug or tugs with an aggregate shaft horsepower equivalent to five percent of the deadweight tons of that tanker, subsection (2) of this section shall not apply: PROVIDED FURTHER, That additional tug shaft horsepower equivalencies may be required under certain conditions as established by rule and regulation of the Washington utilities and transportation commission pursuant to chapter 34.05 RCW: PROVIDED FURTHER, That)) Except as provided in subsection (3) of this section, an oil tanker of greater than forty thousand deadweight tons may operate in the waters described in (a) of this subsection, to the extent that these waters are within the territorial boundaries of Washington, only if the oil tanker is under the escort of a tug or tugs in compliance with the requirements of subsection (5) of this section.

(a) Those waters east of a line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area.

(b) The state board of pilotage commissioners, in consultation with the department of ecology and relying on the results of vessel traffic risk assessments, may write rules to implement this subsection (1)(b), but only after an event described in subsection (2) of this section takes place and only for the waters directly affected by the facility event. These rules may include tug escort requirements and other safety measures for oil tankers of greater than forty thousand deadweight tons, all articulated tug barges, and other towed waterborne vessels or barges that may apply in the following areas consistent with subsections (3)(a) and (5) of this section:

(i) Within a two-mile radius of the Grays Harbor pilotage district as defined in RCW 88.16.050;

(ii) Any inland portion of the Columbia river or within three miles of Cape Disappointment at the mouth of the Columbia river; or

(iii) The waters identified in (a) of this subsection.

(c) The state board of pilotage commissioners, in consultation with the department of ecology and relying on the results of vessel traffic risk assessments, shall adopt rules by June 30, 2017, to implement this subsection (1)(c). These rules may include tug escort requirements and other safety measures for oil tankers of greater than forty thousand deadweight tons, all articulated tug barges, and other towed waterborne vessels or barges and apply in the following areas consistent with subsections (3)(a) and (5) of this section: The waters described in (a) of this subsection, including all narrow channels of the San Juan Islands archipelago,

Rosario Strait, Haro Strait, Boundary Pass, and connected waterways.

(2) The state board of pilotage commissioners may adopt rules under subsection (1)(b) of this section only after:

(a) The governor approves, after January 1, 2015, a recommendation of the energy facility site evaluation council pursuant to RCW 80.50.100 to certify a facility meeting the criteria listed in RCW 80.50.020(12) (d) or (f):

(b) A state agency or a local jurisdiction makes a final determination or issues a final permit after January 1, 2015, to site a new facility required to have a contingency plan pursuant to chapter 90.56 RCW or to provide authority for the first time to process or receive crude oil, as defined in chapter 90.56 RCW, to an existing facility required to have a contingency plan pursuant to chapter 90.56 RCW, other than a facility that is:

(i) A transmission pipeline; or

(ii) A railroad facility; or

(c) The state of Oregon or any local jurisdiction in Oregon makes a final determination or issues a final permit to site a new facility in the watershed of the Columbia river that would be required to have a contingency plan pursuant to chapter 90.56 RCW if an identical facility were located in Washington, or to provide authority for the first time to process or receive crude oil, as defined in chapter 90.56 RCW, to an existing facility that would be required to have a contingency plan pursuant to chapter 90.56 RCW if an identical facility were located in Washington, other than a facility that is:

(i) A transmission pipeline; or

(ii) A railroad facility.

(3)(a) If an oil tanker, articulated tug barge, or other towed waterborne vessel or barge is in ballast, the tug requirements of subsection (1) of this section do not apply.

(b) If an oil tanker is a single-hulled oil tanker of greater than five thousand gross tons, the requirements of subsection (1)(a) of this section do not apply and the oil tanker must instead comply with 33 C.F.R. Part 168, as of the effective date of this section.

(4)(a) Prior to proceeding with rule making as authorized under subsection (1)(b) and (c) of this section, the state board of pilotage commissioners must collaborate with the United States coast guard, the Oregon board of maritime pilots, the Puget Sound, Grays Harbor, and Columbia river harbor safety committees, area tribes, public ports in Oregon and Washington, local governments, and other appropriate entities. In adopting rules, the state board of pilotage commissioners must take into account any tug escort or other maritime safety measures for a water body that were or are required as mitigation or as a condition of a facility siting decision by a state agency or local jurisdiction.

(b) The department may not adopt any rules under this subsection or under subsection (1)(b) and (c) of this section until a vessel traffic risk assessment has been completed for the waters subject to the rule making. In order to adopt a rule under this section or subsection (1)(b) and (c) of this section, the board of pilotage commissioners must determine that the results of a vessel traffic risk assessment provides evidence that the rules are necessary in order to achieve best achievable protection as defined in RCW 88.46.010. In order for the state board of pilotage commissioners to rely on a vessel traffic risk assessment that is conducted after January 1, 2015, the vessel traffic risk assessment must involve a simulation analysis of vessel traffic. A simulation analysis is not required of a vessel traffic risk assessment relied upon by the state board of pilotage commissioners that was conducted before January 1, 2015.

(5) Oil tankers of greater than forty thousand deadweight tons, all articulated tug barges, and other towed waterborne vessels or barges must ensure that any escort tugs they use have an aggregate shaft horsepower equivalent to at least five percent of the

deadweight tons of the escorted oil tanker or articulated tug barge. The state board of pilotage commissioners may adopt rules to ensure that escort tugs have sufficient mechanical capabilities to provide for safe escort. Rules adopted on this subject must be designed to achieve best achievable protection as defined under RCW 88.46.010.

(6) A tanker assigned a deadweight of equal to or less than forty thousand deadweight tons at the time of construction or reconstruction as reported in Lloyd's Register of Ships is not subject to the provisions of RCW 88.16.170 through 88.16.190.

(7) The provisions of this section do not apply to pilotage for enrolled tankers.

(8) For the purposes of this section:

(a) "Articulated tug barge" means a tank barge and a towing vessel joined by hinged or articulated fixed mechanical equipment affixed or connecting to the stern of the tank barge.

(b) "Oil tanker" means a self-propelled deep draft tank vessel designed to transport oil in bulk. "Oil tanker" does not include an articulated tug barge tank vessel.

(c) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of traveling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.

**Sec. 17.** RCW 82.23B.010 and 1992 c 73 s 6 are each amended to read as follows:

~~(Unless the context clearly requires otherwise,)~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Barrel" means a unit of measurement of volume equal to forty-two United States gallons of crude oil or petroleum product.

(2) "Crude oil" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline.

(3) "Department" means the department of revenue.

(4) "Marine terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil or petroleum products to or from a waterborne vessel or barge.

(5) "Navigable waters" means those waters of the state and their adjoining shorelines that are subject to the ebb and flow of the tide, including the Columbia and Snake rivers.

(6) "Person" has the meaning provided in RCW 82.04.030.

(7) "Petroleum product" means any liquid hydrocarbons at atmospheric temperature and pressure that are the product of the fractionation, distillation, or other refining or processing of crude oil, and that are used as, useable as, or may be refined as a fuel or fuel blendstock, including but not limited to, gasoline, diesel fuel, aviation fuel, bunker fuel, and fuels containing a blend of alcohol and petroleum.

(8) "Taxpayer" means the person owning crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine or bulk oil terminal in this state (~~from a waterborne vessel or barge~~) and who is liable for the taxes imposed by this chapter.

(9) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of ~~(travelling)~~ traveling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.

(10) "Bulk oil terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil or petroleum products from a tank car or pipeline.

(11) "Tank car" means a rail car, the body of which consists of a tank for transporting liquids.

**Sec. 18.** RCW 82.23B.020 and 2006 c 256 s 2 are each amended to read as follows:

(1) An oil spill response tax is imposed on the privilege of receiving: (a) Crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state; (b) crude oil or petroleum products at a bulk oil terminal within this state from a tank car; or (c) crude oil or petroleum products at a bulk oil terminal within this state from a pipeline. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine or bulk oil terminal from a tank car, pipeline, or waterborne vessel or barge at the rate of one cent per barrel of crude oil or petroleum product received.

(2) In addition to the tax imposed in subsection (1) of this section, an oil spill administration tax is imposed on the privilege of receiving: (a) Crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state; (b) crude oil or petroleum products at a bulk oil terminal within this state from a tank car; and (c) crude oil or petroleum products at a bulk oil terminal within this state from a pipeline. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine or bulk oil terminal from a tank car, pipeline, or waterborne vessel or barge at the rate of ~~((four))~~ eight cents per barrel of crude oil or petroleum product.

(3) The taxes imposed by this chapter ~~((shall))~~ must be collected by the marine or bulk oil terminal operator from the taxpayer. If any person charged with collecting the taxes fails to bill the taxpayer for the taxes, or in the alternative has not notified the taxpayer in writing of the ~~((imposition of the))~~ taxes imposed, or having collected the taxes, fails to pay them to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she ~~((shall))~~, nevertheless, ~~((be))~~ is personally liable to the state for the amount of the taxes. Payment of the taxes by the owner to a marine or bulk oil terminal operator ~~((shall))~~ relieves the owner from further liability for the taxes.

(4) Taxes collected under this chapter ~~((shall))~~ must be held in trust until paid to the department. Any person collecting the taxes who appropriates or converts the taxes collected ~~((shall be))~~ is guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. The taxes required by this chapter to be collected ~~((shall))~~ must be stated separately from other charges made by the marine or bulk oil terminal operator in any invoice or other statement of account provided to the taxpayer.

(5) If a taxpayer fails to pay the taxes imposed by this chapter to the person charged with collection of the taxes and the person charged with collection fails to pay the taxes to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the taxes.

(6) The taxes ~~((shall be))~~ are due from the marine or bulk oil terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the taxable activity occurs.

(7) The amount of taxes, until paid by the taxpayer to the marine or bulk oil terminal operator or to the department, ~~((shall))~~ constitutes a debt from the taxpayer to the marine or bulk oil terminal operator. Any person required to collect the taxes under this chapter who, with intent to violate the provisions of this chapter, fails or refuses to do so as required and any taxpayer who refuses to pay any taxes due under this chapter, ~~((shall be))~~ is guilty of a misdemeanor as provided in chapter 9A.20 RCW.

(8) Upon prior approval of the department, the taxpayer may pay the taxes imposed by this chapter directly to the department.

The department ~~((shall))~~ must give its approval for direct payment under this section whenever it appears, in the department's judgment, that direct payment will enhance the administration of the taxes imposed under this chapter. The department ~~((shall))~~ must provide by rule for the issuance of a direct payment certificate to any taxpayer qualifying for direct payment of the taxes. Good faith acceptance of a direct payment certificate by a terminal operator ~~((shall))~~ relieves the marine or bulk oil terminal operator from any liability for the collection or payment of the taxes imposed under this chapter.

(9) All receipts from the tax imposed in subsection (1) of this section ~~((shall))~~ must be deposited into the state oil spill response account. All receipts from the tax imposed in subsection (2) of this section shall be deposited into the oil spill prevention account.

(10) Within forty-five days after the end of each calendar quarter, the office of financial management ~~((shall))~~ must determine the balance of the oil spill response account as of the last day of that calendar quarter. Balance determinations by the office of financial management under this section are final and ~~((shall))~~ may not be used to challenge the validity of any tax imposed under this chapter. The office of financial management ~~((shall))~~ must promptly notify the departments of revenue and ecology of the account balance once a determination is made. For each subsequent calendar quarter, the tax imposed by subsection (1) of this section shall be imposed during the entire calendar quarter unless:

(a) Tax was imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than nine million dollars; or

(b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than eight million dollars.

**Sec. 19.** RCW 82.23B.030 and 1992 c 73 s 9 are each amended to read as follows:

The taxes imposed under this chapter ~~((shall))~~ only apply to the first receipt of crude oil or petroleum products at a marine or bulk oil terminal in this state and not to the later transporting and subsequent receipt of the same oil or petroleum product, whether in the form originally received at a marine or bulk oil terminal in this state or after refining or other processing.

**Sec. 20.** RCW 82.23B.040 and 1992 c 73 s 10 are each amended to read as follows:

Credit ~~((shall))~~ must be allowed against the taxes imposed under this chapter for any crude oil or petroleum products received at a marine or bulk oil terminal and subsequently exported from or sold for export from the state.

**Sec. 21.** RCW 38.52.040 and 2011 1st sp.s. c 21 s 27, 2011 c 336 s 789, and 2011 c 79 s 9 are each reenacted and amended to read as follows:

(1) There is hereby created the emergency management council (hereinafter called the council), to consist of not more than seventeen members who shall be appointed by the adjutant general. The membership of the council shall include, but not be limited to, representatives of city and county governments, sheriffs and police chiefs, the Washington state patrol, the military department, the department of ecology, state and local fire chiefs, seismic safety experts, state and local emergency management directors, search and rescue volunteers, medical professions who have expertise in emergency medical care, building officials, and private industry. The representatives of private industry shall include persons knowledgeable in emergency and hazardous materials management. The councilmembers shall elect a chair from within the council membership. The members of the council shall serve without compensation, but may be reimbursed for their travel expenses incurred in the performance of their duties in accordance

with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The emergency management council shall advise the governor and the director on all matters pertaining to state and local emergency management. The council may appoint such ad hoc committees, subcommittees, and working groups as are required to develop specific recommendations for the improvement of emergency management practices, standards, policies, or procedures. The council shall ensure that the governor receives an annual assessment of statewide emergency preparedness including, but not limited to, specific progress on hazard mitigation and reduction efforts, implementation of seismic safety improvements, reduction of flood hazards, and coordination of hazardous materials planning and response activities. ~~((The council or a subcommittee thereof shall periodically convene in special session and serve during those sessions as the state emergency response commission required by P.L. 99 499, the emergency planning and community right to know act. When sitting in session as the state emergency response commission, the council shall confine its deliberations to those items specified in federal statutes and state administrative rules governing the coordination of hazardous materials policy.))~~ The council shall review administrative rules governing state and local emergency management practices and recommend necessary revisions to the director.

(3) The council or a council subcommittee shall serve and periodically convene in special session as the state emergency response commission required by the emergency planning and community right-to-know act (42 U.S.C. Sec. 11001 et seq.). The state emergency response commission shall conduct those activities specified in federal statutes and regulations and state administrative rules governing the coordination of hazardous materials policy including, but not limited to, review of local emergency planning committee emergency response plans for compliance with the planning requirements in the emergency planning and community right-to-know act (42 U.S.C. Sec. 11001 et seq.). Committees shall annually review their plans to address changed conditions, and submit their plans to the state emergency response commission for review when updated, but not less than at least once every five years. The department may employ staff to assist local emergency planning committees in the development and annual review of these emergency response plans, with an initial focus on the highest risk communities through which trains that transport oil in bulk travel. By March 1, 2018, the department shall report to the governor and legislature on progress towards compliance with planning requirements. The report must also provide budget and policy recommendations for continued support of local emergency planning.

(4)(a) The intrastate mutual aid committee is created and is a subcommittee of the emergency management council. The intrastate mutual aid committee consists of not more than five members who must be appointed by the council chair from council membership. The chair of the intrastate mutual aid committee is the military department representative appointed as a member of the council. Meetings of the intrastate mutual aid committee must be held at least annually.

(b) In support of the intrastate mutual aid system established in chapter 38.56 RCW, the intrastate mutual aid committee shall develop and update guidelines and procedures to facilitate implementation of the intrastate mutual aid system by member jurisdictions, including but not limited to the following: Projected or anticipated costs; checklists and forms for requesting and providing assistance; recordkeeping; reimbursement procedures; and other implementation issues. These guidelines and procedures are not subject to the rule-making requirements of chapter 34.05 RCW.

**Sec. 22.** RCW 81.24.010 and 2007 c 234 s 21 are each amended to read as follows:

(1) Every company subject to regulation by the commission, except those listed in subsection (3) of this section, shall, on or before the date specified by the commission for filing annual reports under RCW 81.04.080, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to one-tenth of one percent of the first fifty thousand dollars of gross operating revenue, plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars, except railroad companies which shall each pay to the commission a fee equal to ~~((one))~~ two and one-half percent of its intrastate gross operating revenue. In the event that the sum total of intrastate gross operating revenues for the railroad companies operating in Washington declines while the sum total of interstate gross operating revenues increases, the commission may assess a reasonable surcharge on railroad companies to enable collection of moneys up to the sum total of revenues collected in fiscal year 2017 from railroad companies operating in Washington. The commission must adopt a rule to implement the surcharge. The commission may, by rule, set minimum fees that do not exceed the cost of collecting the fees. The commission may by rule waive any or all of the minimum fee established pursuant to this section. Any railroad association that qualifies as a nonprofit charitable organization under the federal internal revenue code section 501(c)(3) is exempt from the fee required under this subsection.

(2) The percentage rates of gross operating revenue to be paid in any one year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose railroad companies are classified as class two. Every other company subject to regulation by the commission, for which regulatory fees are not otherwise fixed by law, shall pay fees as herein provided and shall constitute additional classes according to kinds of businesses engaged in.

(3) This section does not apply to private nonprofit transportation providers, auto transportation companies, charter party carriers and excursion service carriers, solid waste collection companies, motor freight carriers, household goods carriers, commercial ferries, and low-level radioactive waste storage facilities.

**NEW SECTION. Sec. 23.** A new section is added to chapter 81.44 RCW to read as follows:

Commission employees certified by the federal railroad administration to perform hazardous materials inspections may enter the property of any business that receives, ships, or offers for shipment hazardous materials by rail. Entry shall be at a reasonable time and in a reasonable manner. The purpose of entry is limited to performing inspections, investigations, or surveillance of equipment, records, and operations relating to the packaging, loading, unloading, or transportation of hazardous materials by rail, pursuant only to the state participation program outlined in 49 C.F.R. Part 212. The term "business" is all inclusive and is not limited to common carriers or public service companies.

**Sec. 24.** RCW 81.53.010 and 2013 c 23 s 302 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~((The term))~~ (1) "Commission(ç)" ~~((when used in this chapter.))~~ means the utilities and transportation commission of Washington.

~~((The term))~~ (2) "Highway(ç)" ~~((when used in this chapter.))~~ includes all state and county roads, streets, alleys, avenues,

boulevards, parkways, and other public places actually open and in use, or to be opened and used, for travel by the public.

~~((The term))~~ (3) "Railroad((;))" ~~((when used in this chapter,))~~ means every railroad, including interurban and suburban electric railroads, by whatsoever power operated, for the public use in the conveyance of persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, sidings, tracks, stations, and terminal facilities of every kind, used, operated, controlled, managed, or owned by or in connection therewith. The ~~((said))~~ term ~~((shall))~~ also includes every logging and other industrial railway owned or operated primarily for the purpose of carrying the property of its owners or operators or of a limited class of persons, with all tracks, spurs, and sidings used in connection therewith. The ~~((said))~~ term ~~((shall))~~ does not include street railways operating within the limits of any incorporated city or town.

~~((The term))~~ (4) "Railroad company((;))" ~~((when used in this chapter,))~~ includes every corporation, company, association, joint stock association, partnership, or person, its, their, or his or her lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing any railroad~~((; as that term is defined in this section)).~~

~~((The term))~~ (5) "Over-crossing((;))" ~~((when used in this chapter,))~~ means any point or place where a highway crosses a railroad by passing above the same. "Over-crossing" also means any point or place where one railroad crosses another railroad not at grade.

~~((The term))~~ (6) "Under-crossing((;))" ~~((when used in this chapter,))~~ means any point or place where a highway crosses a railroad by passing under the same. "Under-crossing" also means any point or place where one railroad crosses another railroad not at grade.

~~((The term "over crossing" or "under crossing," shall also mean any point or place where one railroad crosses another railroad not at grade.~~

~~The term))~~ (7) "Grade crossing((;))" ~~((when used in this chapter,))~~ means any point or place where a railroad crosses a highway or a highway crosses a railroad or one railroad crosses another, at a common grade.

(8) "Private crossing" means any point or place where a railroad crosses a private road at grade or a private road crosses a railroad at grade, where the private road is not a highway.

**Sec. 25.** RCW 81.53.240 and 1984 c 7 s 375 are each amended to read as follows:

(1) Except to the extent necessary to permit participation by first-class cities in the grade crossing protective fund, when an election to participate is made as provided in RCW 81.53.261 through 81.53.291, or to the extent a first-class city requests to participate in the commission's crossing safety inspection program within the city, this chapter ((81.53 RCW)) is not operative within the limits of first-class cities, and does not apply to street railway lines operating on or across any street, alley, or other public place within the limits of any city, except that a streetcar line outside of cities of the first class shall not cross a railroad at grade without express authority from the commission. The commission may not change the location of a state highway without the approval of the secretary of transportation, or the location of any crossing thereon adopted or approved by the department of transportation, or grant a railroad authority to cross a state highway at grade without the consent of the secretary of transportation.

(2) Within thirty days of the effective date of this section, first-class cities must provide to the commission a list of all existing public crossings within the limits of a first-class city, including over and under-crossings, including the United States department of transportation number for the crossing. Within thirty days of modifying, closing, or opening a grade crossing within the

limits of a first-class city, the city must notify the commission in writing of the action taken, identifying the crossing by United States department of transportation number.

**NEW SECTION. Sec. 26.** A new section is added to chapter 81.53 RCW to read as follows:

(1) To address the potential public safety hazards presented by private crossings in the state and by the transportation of hazardous materials in the state, including crude oil, the commission is authorized to and must adopt rules governing safety standards for private crossings along the railroad tracks over which crude oil is transported in the state. The commission is also authorized to conduct inspections of the private crossings subject to this section, to order the railroads to make improvements at the private crossings, and enforce the orders.

(2) The commission must adopt rules governing private crossings along railroad tracks over which crude oil is transported in the state, establishing:

(a) Minimum safety standards for the private crossings subject to this section, including, but not limited to, requirements for signage;

(b) Criteria for prioritizing the inspection and improvements of the private crossings subject to this section; and

(c) Requirements governing the responsibilities of railroad companies to oversee the payment and completion of private crossing improvements.

(3) Nothing in this section modifies existing agreements between the railroad company and the landowner governing liability for injuries or damages occurring at the private crossing.

**Sec. 27.** RCW 88.46.180 and 2011 c 122 s 2 are each amended to read as follows:

(1) The department shall evaluate and update planning standards for oil spill response equipment required under contingency plans required by this chapter, including aerial surveillance, in order to ensure access in the state to equipment that represents the best achievable protection to respond to a worst case spill and provide for continuous operation of oil spill response activities to the maximum extent practicable and without jeopardizing crew safety, as determined by the incident commander or the unified command.

(2) The department shall by rule update the planning standards at five-year intervals to ensure the maintenance of best available protection over time. Rule updates to covered nontank vessels shall minimize potential impacts to discretionary cargo moved through the state.

~~((3) The department shall evaluate and update planning standards for tank vessels by December 31, 2012.))~~

**Sec. 28.** RCW 42.56.270 and 2014 c 192 s 6, 2014 c 174 s 5, and 2014 c 144 s 6 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's

business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information; ~~(and)~~

(21) Market share data submitted by a manufacturer under RCW 70.95N.190(4); ~~(and)~~

(22) Financial information supplied to the department of financial institutions or to a portal under RCW 21.20.883, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities; and

(23)(a) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to section 8(1)(a) of this act, and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to section 8 of this act; and

(b) Information submitted to the department of ecology by pipelines pursuant to section 8(1)(b) of this act that is related to diluting agents contained in transported oil and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the information pursuant to section 8 of this act.

NEW SECTION. Sec. 29. A new section is added to chapter 81.40 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the utilities and transportation commission created in chapter 80.01 RCW.

(2) "Hazardous material" means a substance or material the federal secretary of transportation has determined to be capable of posing a significant risk to health, safety, and property when transported in commerce.

(3) "Hazardous material train" means any:

(a) High-hazard flammable train as defined by the United States department of transportation as of the effective date of this section; or

(b) Train containing one or more car loads of spent nuclear fuel or high level nuclear waste.

(4) "Qualified crew member" means a railroad operating craft employee who has been trained and meets the requirements and qualifications as determined by the federal railroad administration for a railroad operating service employee.

(5) "Railroad carrier" means a carrier of persons or property upon vehicles, other than streetcars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns. "Railroad carrier" includes the officers and agents of the railroad carrier.

**NEW SECTION. Sec. 30.** A new section is added to chapter 81.40 RCW to read as follows:

Except as provided in section 31 of this act, the following minimum crew requirements apply:

(1) Any person, corporation, company, or officer of the court operating any railroad, railway, or any part of any railroad or railway, in the state of Washington, and engaged, as a common carrier, in the transportation of freight or passengers, shall operate all trains and switching assignments over its road with crews consisting of no less than two qualified crew members.

(2)(a) Railroad carriers shall operate all hazardous material trains over its road with crews consisting of no less than three qualified crew members. One qualified train crew member shall be assigned to a position located on the rear of the train and within rolling equipment, situated to safely observe and monitor the train's contents and movement.

(b) Railroad carriers shall operate any hazardous material trains consisting of fifty-one or more car loads of any combination of hazardous materials over its road with crews consisting of no less than four qualified crew members. Two qualified crew members shall be assigned to a position on the rear of the train and within rolling equipment, situated to safely observe and monitor the train's contents and movement.

**NEW SECTION. Sec. 31.** A new section is added to chapter 81.40 RCW to read as follows:

(1) Trains transporting hazardous material shipments a distance of five miles or less may operate the train with the required crew members positioned on the lead locomotive.

(2)(a) Class II and class III carriers transporting fewer than twenty loaded hazardous material cars on trains operating on their road while at a speed of twenty-five miles per hour or less are exempt from the additional train crew requirements specified in section 30(2) of this act.

(b) The commission may grant exemptions to the minimum crew size requirements to class III railroad carriers that are not transporting hazardous materials on their road.

(3)(a) The commission may order class I or II railroad carriers to exceed the minimum crew size and operate specific trains, routes, or switching assignments on their road with additional numbers of qualified crew members if it is determined that such an increase in crew size is necessary to protect the safety, health, and welfare of the public and railroad employees, to prevent harm to the environment, and to address local safety and security hazards.

(b) In issuing such an order the commission may consider relevant factors including but not limited to the volatility of the commodities being transported, vulnerabilities, risk exposure to localities along the train route, security risks including sabotage or terrorism threat levels, a railroad carriers prior history of accidents, compliance violations, and track and equipment maintenance issues.

**NEW SECTION. Sec. 32.** A new section is added to chapter 81.40 RCW to read as follows:

(1) Each train or engine run in violation of section 30 of this act constitutes a separate offense. However, section 30 of this act does not apply in the case of disability of one or more members of any train crew while out on the road between division terminals, or assigned to wrecking trains.

(2) Any person, corporation, company, or officer of the court operating any railroad, or part of any railroad or railway within the state of Washington, and engaged as a common carrier, in the transportation of freight or passengers, who violates any of the provisions of section 30 of this act shall be fined not less than one thousand dollars and not more than one hundred thousand dollars for each offense.

(3) It is the duty of the commission to enforce this section.

**NEW SECTION. Sec. 33.** The following acts or parts of acts are each repealed:

(1) RCW 81.40.010 (Full train crews—Passenger—Safety review—Penalty—Enforcement) and 2003 c 53 s 386, 1992 c 102 s 1, & 1961 c 14 s 81.40.010; and

(2) RCW 81.40.035 (Freight train crews) and 1967 c 2 s 2.

**NEW SECTION. Sec. 34.** A new section is added to chapter 90.56 RCW to read as follows:

(1) The department must provide to the relevant policy and fiscal committees of the senate and house of representatives:

(a) A review of all state geographic response plans and any federal requirements as needed in contingency plans required under RCW 90.56.210 and 88.46.060 by December 31, 2015; and

(b) Annual updates, beginning December 31, 2016, and ending December 31, 2021, as required under RCW 43.01.036, as to the progress made in completing state and federal geographic response plans as needed in contingency plans required under RCW 90.56.060, 90.56.210, and 88.46.060.

(2) The department must contract, if practicable, with eligible independent third parties to ensure completion by December 1, 2017, of at least fifty percent of the geographic response plans as needed in contingency plans required under RCW 90.56.210 and 88.46.060 for the state.

(3) All requirements in this section are subject to the availability of amounts appropriated for the specific purposes described.

**NEW SECTION. Sec. 35.** (1) Subject to the availability of amounts appropriated for this specific purpose, the department of ecology shall provide grants to emergency responders to assist with oil spill and hazardous materials response and firefighting equipment and resources needed to meet the requirements of this act.

(2) For the purposes of determining grant allocations, the department of ecology, in consultation with emergency first responders, oil spill response cooperatives, representatives from the oil and rail industries, and businesses that are recipients of liquid bulk crude oil shall: (a) Conduct an evaluation of oil spill and hazardous materials response and firefighting equipment and resources currently available for oil spill and hazardous materials response activities throughout the state; (b) review the local emergency management coordinating efforts for oil spill and hazardous materials response; (c) determine the need for additional, new, or updated equipment and resources; and (d) identify areas or regions of the state that are in greatest need of

resources and oil spill and hazardous materials response and firefighting equipment.

(3) The department of ecology, in consultation with emergency first responders, oil spill response cooperatives, representatives from the oil and rail industries, and businesses that are recipients of liquid bulk crude oil shall review grant applications to prioritize grant awards using the evaluation of availability of oil spill and hazardous materials response and firefighting equipment and resources as determined in subsection (2) of this section.

(a) The application review must include evaluation of equipment and resource requests, funding requirements, and coordination with existing equipment and resources in the area.

(b) Funding must be prioritized for applicants from areas where the need for firefighting and oil spill and hazardous materials response equipment is the greatest as determined in subsection (2) of this section.

(c) Grants must be coordinated to maximize currently existing equipment and resources that have been put in place by first responders and industry.

**NEW SECTION. Sec. 36.** Subject to the availability of amounts appropriated for this specific purpose, the department of ecology and the utilities and transportation commission shall jointly hold a symposium on oil spill prevention and response activities for international transport of liquid bulk crude oil. The department of ecology and the utilities and transportation commission must invite representatives from affected tribes, public interest organizations, local governments, the United States government, Canadian provinces, Canada, and other appropriate stakeholders. The symposium must at a minimum address:

(1) Cooperative prevention and emergency response activities between the shared international and state borders;

(2) Expected risks posed by transport of Canadian crude oil or liquid bulk crude oil throughout the Pacific Northwest region; and

(3) An update of the marine transport of liquid bulk crude oil through the Pacific Northwest region.

**NEW SECTION. Sec. 37.** Sections 17 through 20 of this act take effect January 1, 2016.

**NEW SECTION. Sec. 38.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 39.** Except for sections 17 through 20 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2015."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Farrell; Fey; Goodman and McBride.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Harris; Pike and Taylor.

Referred to Committee on Appropriations.

March 30, 2015

E2SSB 5179 Prime Sponsor, Committee on Ways & Means: Concerning paraeducators. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

On page 3, line 11, after "(d)" strike all material through "certificated" on line 13 and insert the following:

"The office of the superintendent of public instruction and all educational service districts shall, in collaboration with the board, develop the courses necessary to meet the certification standards and ensure that paraeducators have multiple methods to access the courses. By January 1, 2017, the board, in collaboration with the office, the educational service districts, and the school districts receiving grants under subsection (4)(a) of this section, shall submit a report to the appropriate committees of the legislature. The report must include an analysis of the cost to the state and the school districts to implement the requirements of subsection (4)(b) of this section, and the cost to paraeducators to meet paraeducator certification and English language learner endorsement requirements"

Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Fagan; Gregory; Griffey; Hargrove; Hunt, S.; Kilduff; Lytton; McCaslin; Orwall; Pollet and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Hayes and Klippert.

Referred to Committee on Appropriations.

March 30, 2015

SB 5205 Prime Sponsor, Senator Becker: Allowing spouses to combine volunteer hours for purposes of receiving a complimentary discover pass. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Farrell; Goodman; Harris; McBride; Pike and Taylor.

Passed to Committee on Rules for second reading.

March 25, 2015

2SSB 5215 Prime Sponsor, Committee on Ways & Means: Establishing the Washington internet crimes against children account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Carlyle; Cody; Condotta; Dent; Dunshee; Fagan; Haler; Hansen; Hudgins; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt, G. and Taylor.

Passed to Committee on Rules for second reading.

March 30, 2015

2SSB 5252 Prime Sponsor, Committee on Ways & Means: Creating a program to implement regional safety and security centers. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that school personnel are often the first responders when there is a violent threat or natural or man-made disaster at a school. The legislature further finds that school personnel need to be trained to intervene and provide assistance during these emergency incidents. The legislature recognizes an educational service district has developed a model for a regional school safety and security center, which can provide this type of training. The legislature intends to provide training to other regions in the state by authorizing a pilot program to create regional school safety and security centers in three other educational service districts.

**NEW SECTION. Sec. 2.** (1) During the 2015-2017 biennium, three educational service districts shall implement a pilot program to create regional school safety and security centers in each of the three educational service districts. One educational service district must be an educational service district that is entirely west of the crest of the Cascade mountains and is partially bounded by an international border. One educational service district must be east of the crest of the Cascade mountains. One educational service district may be located anywhere in the state of Washington.

(2) The pilot program must include the following components:

(a) Establishment of a network of school safety coordinators for the educational service districts, which shall focus on prevention planning, intervention, mitigation, crisis response, and community recovery regarding emergency incidents in schools;

(b) Collaboration with the educational service district that developed the model for a regional school safety and security center to adopt its model for a regional school safety and security center;

(c) Creation of technology-based systems that enable more efficient and effective communication between schools and emergency response entities, including local law enforcement, local fire departments, and state and federal responders;

(d) Establishment of a plan to facilitate clear communication with students, parents, and guardians, including a system using school-based personnel or community organizations that can assist in providing information to those whose primary language is other than English;

(e) Provision of technology support in order to improve communication and data management between schools and emergency response entities;

(f) Ongoing training of school personnel and emergency responders to establish a system for preventative identification, intervention strategies, and management of risk behaviors;

(g) Development of a professional development program to train school personnel as first responders until the arrival of emergency responders; and

(h) Building a collaborative relationship between educational service districts participating in the pilot program, the office of the superintendent of public instruction, and the school safety advisory committee and focusing on expanding regional school safety and security centers to all of the other educational service districts.

(3) This section expires December 31, 2017."

Correct the title.

Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist;

Caldier; Fagan; Gregory; Griffey; Hargrove; Hayes; Hunt, S.; Kilduff; Klippert; Lytton; McCaslin; Orwall; Pollet and Springer.

Referred to Committee on Appropriations.

March 30, 2015

**SSB 5418**

Prime Sponsor, Committee on Commerce & Labor: Creating a pilot program to improve care for catastrophically injured workers. Reported by Committee on Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds:

(a) Each year, only a small percentage of industrial insurance cases in Washington involve catastrophic workplace injuries, yet they exact a tremendous toll on affected individuals and their families.

(b) A recent analysis by the department of labor and industries identified gaps which could be addressed through piloting improvements in coordination of care, best practices, and other cost-effective approaches for injured workers under the state's current industrial insurance system.

(2) The legislature therefore intends to direct the department of labor and industries to create a pilot program whereby a medical management firm, centers of excellence deploying collaborative care, and/or the state's centers of occupational health and education partner with the department in being responsible for the medical management and treatment of catastrophically injured workers. The goal of the pilot program is improved medical outcomes, increased return-to-work rates and/or better quality of life, and reduced industrial insurance costs.

**NEW SECTION. Sec. 2.** A new section is added to chapter 51.36 RCW to read as follows:

(1) The department must implement a three year pilot program beginning no later than January 1, 2016 under which innovative treatment and service interventions for catastrophically injured workers are compared in a prospective study and compared to usual or standardized care. The best practices and cost-effective approaches may be piloted by any or all of:

(a) A medical management firm with substantial experience in handling catastrophic workers' compensation cases.

(b) Centers of excellence deploying collaborative care.

(c) Centers of occupational health and education.

(d) Other innovative treatment or services that may be identified by systematic literature review.

(2) The following provisions apply to the pilot program:

(a) The pilot participants must develop a treatment plan and agreement for each injured worker that identifies an outcome, the treatment plan and, if applicable, a guaranteed price to achieve the outcome.

(b) The department must determine an approach to systematically and prospectively track outcomes of catastrophically injured workers including, at a minimum, standardized measures of functional recovery, return-to-work, and quality of life. The department must also contract with independent researchers for an analysis of the pilot program costs and outcomes.

(c) Pilot participants must provide all information required by the independent researchers to assess pilot program

progress and costs and measure outcomes. Information provided to the independent researchers must also be provided to the department.

(d) Injured workers, in consultation with their attending physician and the department, may elect to participate or not in the pilot program. Participating injured workers retain the right to receive care from providers of their choice. Providers must meet the requirements of RCW 51.36.010(2).

(e) The department retains the exclusive authority to approve or deny particular treatment and the exclusive authority to pay all medical bills in accordance with the fee schedule established under RCW 51.04.030. The department may establish minimum treatment protocols and qualifications for the pilot participants including access to adequate medical, professional, and pharmacy providers and a network of health care facilities, suppliers, and services.

(3) For the purposes of the pilot program, catastrophic injuries include acute traumatic brain injuries; major extremity or multiple extremity amputations, fractures, or crush injuries; multiple trauma injuries; severe burns; paraplegia, quadriplegia, hemiplegia, and diplegia; and any other medical diagnosis determined by the department to be catastrophic.

(4) The independent researchers must make regular status reports to the department throughout the pilot program, and work with the department to develop and report on criteria to evaluate the pilot program. The criteria must address, but are not limited to:

(a) Whether the appropriate procedures are followed to ensure injured workers access to services in a timely fashion;

(b) The quality of the communication and other factors affecting the working relationship between the treatment and service provider, the injured worker, the department, and those involved in the care and treatment of the injured worker;

(c) Whether pilot program treatment protocols help address the gaps identified by the department in its September 2014 catastrophic claims gap analysis;

(d) Whether research results on cases involving catastrophic injury complement, inform, and improve the department's handling of other industrial insurance cases;

(e) Whether the pilot program results in improved medical outcomes, increased return-to-work rates and/or better quality of life for catastrophically injured workers, and reduced industrial insurance costs;

(f) Assessment of whether pilot participants are achieving stated goals;

(g) Average and median claims costs;

(h) Feasibility for the department to adopt processes and practices identified in the pilot program; and

(i) Assessment of any other cost-saving processes identified through the pilot program.

(5) Before the end of the three year period, the department must terminate the pilot program if it finds that the treatments and interventions are causing harm to workers and may terminate the pilot program if it finds that the treatments and interventions are not showing a benefit to workers.

(6) The department must provide a written report on the pilot program to the appropriate committees of the legislature each December through 2018 with a final report following the end of the pilot program in 2019.

(7) This section expires December 31, 2020."

Correct the title.

Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Manweller, Ranking Minority Member; Hunt, G., Assistant Ranking Minority Member and McCabe.

Referred to Committee on Appropriations.

March 26, 2015

ESSB 5460

Prime Sponsor, Committee on Health Care: Allowing practitioners to prescribe and distribute prepackaged emergency medications to emergency room patients when a pharmacy is not available. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.41 RCW to read as follows:

(1) The legislature finds that high quality, safe, and compassionate health care services for patients of Washington state must be available at all times. The legislature further finds that there is a need for patients being released from hospital emergency departments to maintain access to emergency medications when community or hospital pharmacy services are not available. It is the intent of the legislature to accomplish this objective by allowing practitioners with prescriptive authority to prescribe limited amounts of prepackaged emergency medications to patients being discharged from hospital emergency departments when access to community or outpatient hospital pharmacy services is not otherwise available.

(2) A hospital may allow a practitioner to prescribe prepackaged emergency medications and allow a practitioner or a registered nurse licensed under chapter 18.79 RCW to distribute prepackaged emergency medications to patients being discharged from a hospital emergency department during times when community or outpatient hospital pharmacy services are not available within fifteen miles by road or when, in the judgment of the practitioner and consistent with hospital policies and procedures, a patient has no reasonable ability to reach the local community or outpatient pharmacy. A hospital may only allow this practice if: The director of the hospital pharmacy, in collaboration with appropriate hospital medical staff, develops policies and procedures regarding the following:

(a) Development of a list, preapproved by the pharmacy director, of the types of emergency medications to be prepackaged and distributed;

(b) Assurances that emergency medications to be prepackaged pursuant to this section are prepared by a pharmacist or under the supervision of a pharmacist licensed under chapter 18.64 RCW;

(c) Development of specific criteria under which emergency prepackaged medications may be prescribed and distributed consistent with the limitations of this section;

(d) Assurances that any practitioner authorized to prescribe prepackaged emergency medication or any nurse authorized to distribute prepackaged emergency medication is trained on the types of medications available and the circumstances under which they may be distributed;

(e) Procedures to require practitioners intending to prescribe prepackaged emergency medications pursuant to this section to maintain a valid prescription either in writing or electronically in the patient's records prior to a medication being distributed to a patient;

(f) Establishment of a limit of no more than a forty-eight hour supply of emergency medication as the maximum to be dispensed

to a patient, except when community or hospital pharmacy services will not be available within forty-eight hours. In no case may the policy allow a supply exceeding ninety-six hours be dispensed;

(g) Assurances that prepackaged emergency medications will be kept in a secure location in or near the emergency department in such a manner as to preclude the necessity for entry into the pharmacy; and

(h) Assurances that nurses or practitioners will distribute prepackaged emergency medications to patients only after a practitioner has counseled the patient on the medication.

(3) The delivery of a single dose of medication for immediate administration to the patient is not subject to the requirements of this section.

(4) For purposes of this section:

(a) "Emergency medication" means any medication commonly prescribed to emergency room patients, including those drugs, substances or immediate precursors listed in schedules II through V of the uniform controlled substances act, chapter 69.50 RCW, as now or hereafter amended.

(b) "Distribute" means the delivery of a drug or device other than by administering or dispensing.

(c) "Practitioner" means any person duly authorized by law or rule in the state of Washington to prescribe drugs as defined in RCW 18.64.011(24).

(d) "Nurse" means a registered nurse as defined in RCW 18.79.020.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

March 25, 2015

SB 5468 Prime Sponsor, Senator King: Authorizing the use of nonappropriated funds on certain administrative costs and expenses of the stay-at-work and self-insured employer programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Carlyle; Cody; Condotta; Dent; Dunshee; Fagan; Haler; Hansen; Hudgins; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt, G. and Taylor.

Passed to Committee on Rules for second reading.

March 26, 2015

SSB 5488 Prime Sponsor, Committee on Health Care: Concerning applied behavior analysis. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Referred to Committee on Appropriations.

March 30, 2015

SSB 5679 Prime Sponsor, Committee on Early Learning & K-12 Education: Concerning transition services for special education students. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that research continues to suggest that high expectations for students with disabilities is paramount to improving student outcomes. The legislature further finds that to increase the number of students with disabilities who are prepared for higher education, teachers and administrators in K-12 education should continue to improve their acceptance of students with disabilities as full-fledged learners for whom there are high expectations. The legislature also encourages continuous development in transition services to higher education opportunities for these students. The legislature recognizes that other states have authorized transition planning to postsecondary settings for students with disabilities as early as the age of fourteen. To remove barriers and obstacles for students with disabilities to access to postsecondary settings including higher education, the legislature intends to authorize transition planning for students with disabilities as soon as practicable when educationally and developmentally appropriate.

**Sec. 2.** RCW 28A.155.220 and 2014 c 47 s 1 are each amended to read as follows:

(1) The office of the superintendent of public instruction must establish interagency agreements with the department of social and health services, the department of services for the blind, and any other state agency that provides high school transition services for special education students. Such interagency agreements shall not interfere with existing individualized education programs or section 504 plans, nor override any individualized education program or section 504 planning team's decision-making power. The purpose of the interagency agreements is to foster effective collaboration among the multiple agencies providing transition services for individualized education ((plan)) program-eligible and section 504 plan-eligible special education students from the beginning of transition planning, as soon as educationally and developmentally appropriate, through age twenty-one, or through high school graduation, whichever occurs first. Interagency agreements are also intended to streamline services and programs, promote efficiencies, and establish a uniform focus on improved outcomes related to self-sufficiency. ((This subsection does not require transition services plan development in addition to what exists on June 12, 2014.))

(2)(a) When educationally and developmentally appropriate, the interagency responsibilities and linkages with transition services under subsection (1) of this section must be addressed in a transition plan to a postsecondary setting in the individualized education program or section 504 plan of a student with disabilities.

(b) Transition planning shall be based upon educationally and developmentally appropriate transition assessments that outline the student's individual needs, strengths, preferences, and interests.

Transition assessments may include observations, interviews, inventories, situational assessments, formal and informal assessments, as well as academic assessments.

(c) The transition services that the transition plan must address include activities needed to assist the student in reaching postsecondary goals and courses of study to support postsecondary goals.

(d) Transition activities that the transition plan may address include instruction, related services, community experience, employment and other adult living objectives, daily living skills, and functional vocational evaluation.

(e) When educationally and developmentally appropriate, a discussion must take place with the student and parents, and others as needed, to determine the postsecondary goals or postschool vision for the student. This discussion may be included as part of an annual individualized education program review, section 504 plan review, high school and beyond plan meeting, or any other meeting that includes parents, students, and educators. The postsecondary goals included in the transition plan shall be goals that are measurable and must be based on appropriate transition assessments related to training, education, employment, and independent living skills, when necessary. The goals must also be based on the student's needs, while considering the strengths, preferences, and interests of the student.

(f) As the student gets older, changes in the transition plan may be noted in the annual update of the student's individualized education program or section 504 plan.

(g) A student with disabilities who has a high school and beyond plan may use the plan to comply with the transition plan required under this subsection (2).

(3) To the extent that data is available through data-sharing agreements established by the education data center under RCW 43.41.400, the education data center must monitor the following outcomes for individualized education ((plan))program-eligible or section 504 plan-eligible special education students after high school graduation:

(a) The number of students who, within one year of high school graduation:

(i) Enter integrated employment paid at the greater of minimum wage or competitive wage for the type of employment, with access to related employment and health benefits; or

(ii) Enter a postsecondary education or training program focused on leading to integrated employment;

(b) The wages and number of hours worked per pay period;

(c) The impact of employment on any state and federal benefits for individuals with disabilities;

(d) Indicators of the types of settings in which students who previously received transition services primarily reside;

(e) Indicators of improved economic status and self-sufficiency;

(f) Data on those students for whom a postsecondary or integrated employment outcome does not occur within one year of high school graduation, including:

(i) Information on the reasons that the desired outcome has not occurred;

(ii) The number of months the student has not achieved the desired outcome; and

(iii) The efforts made to ensure the student achieves the desired outcome.

((3)) (4) To the extent that the data elements in subsection ((2)) (3) of this section are available to the education data center through data-sharing agreements, the office of the superintendent of public instruction must prepare an annual report using existing resources and submit the report to the legislature."

Correct the title.

Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority

Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Fagan; Gregory; Griffey; Hargrove; Hunt, S.; Kilduff; Lytton; McCaslin; Orwall; Pollet and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Hayes and Klippert.

Passed to Committee on Rules for second reading.

March 25, 2015

SB 5693

Prime Sponsor, Senator Miloscia: Authorizing the department of social and health services special commitment center to seek eligibility and reimbursement for health care costs covered by federal medicare, medicaid, and veterans health benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Carlyle; Cody; Dent; Dunshee; Fagan; Haler; Hansen; Hudgins; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt, G. and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

March 30, 2015

SSB 5721

Prime Sponsor, Committee on Early Learning & K-12 Education: Concerning the membership of the expanded learning opportunities council. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

On page 2, line 17, after "((fifteen))" strike "seventeen" and insert "twenty-one"

On page 2, line 38, after "communities;" strike "and"

On page 2, line 39, after "(xi)" insert the following:

"The Commission on African American Affairs;

(xii) The Commission on Asian Pacific American Affairs;

(xiii) The Commission on Hispanic Affairs;

(xiv) The Tribal Leader Congress on Education; and

(xv)"

On page 3, line 3, after "necessary." strike "Appointees" and insert "Initial appointees"

On page 3, line 4, after "2014." insert "Appointees of the council pursuant to subsection (5)(c)(ix) through (xiv) of this section shall be selected by August 31, 2015."

Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Bergquist; Gregory; Hunt, S.; Kilduff; Lytton; Orwall; Pollet and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Caldier; Fagan; Griffey; Hargrove; Hayes; Klippert and McCaslin.

MINORITY recommendation: Without recommendation. Signed by Representative Stambaugh, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 30, 2015

SSB 5763 Prime Sponsor, Committee on Ways & Means: Establishing a coalition of commissioned officers of the department of fish and wildlife for the purposes of collective bargaining. Reported by Committee on Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.80.010 and 2013 2nd sp.s. c 4 s 971 are each amended to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee, except as provided for institutions of higher education in subsection (4) of this section.

(2)(a) If an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with each employer representative as designated in subsection (1) of this section one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents. Except as provided in (d) of this subsection, for those exclusive bargaining representatives who represent fewer than a total of five hundred employees each, negotiation shall be by a coalition of all those exclusive bargaining representatives. The coalition shall bargain for a master collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of agency-specific issues for inclusion in or as an addendum to the master collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. This section does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(b) This subsection (2) does not apply to exclusive bargaining representatives who represent employees of institutions of higher education, except when the institution of higher education has elected to exercise its option under subsection (4) of this section to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(c) If five hundred or more employees of an independent state elected official listed in RCW 43.01.010 are organized in a bargaining unit or bargaining units under RCW 41.80.070, the official shall be consulted by the governor or the governor's designee before any agreement is reached under (a) of this subsection concerning supplemental bargaining of agency specific issues affecting the employees in such bargaining unit.

(d) For those exclusive bargaining representatives who represent commissioned officers, except for lieutenants and captains, of the department of fish and wildlife, negotiation shall be by a coalition of exclusive bargaining representatives who represent the commissioned officers. When negotiating, the parties must reference the wages, hours, and conditions of employment of like personnel of like state employers on the west coast of the United States for comparables in the bargaining process. If the commission determines that there has been bad faith bargaining or other unfair labor practices by the employer or the employee organizations representing commissioned officers, except for lieutenants and captains, of the department of fish and wildlife, the commission may order interest arbitration, in addition to other remedies provided under RCW 41.80.120, to effectuate the purposes and policy of this chapter.

(3) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of the office of financial management as being feasible financially for the state.

The legislature shall approve or reject the submission of the request for funds as a whole. The legislature shall not consider a request for funds to implement a collective bargaining agreement unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 41.80.090.

(4)(a)(i) For the purpose of negotiating agreements for institutions of higher education, the employer shall be the respective governing board of each of the universities, colleges, or community colleges or a designee chosen by the board to negotiate on its behalf.

(ii) A governing board of a university or college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section, except that:

(A) The governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of a university or college that the representative represents; or

(B) If the parties mutually agree, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of more than one university or college that the representative represents.

(iii) A governing board of a community college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(b) Prior to entering into negotiations under this chapter, the institutions of higher education or their designees shall consult with the director of the office of financial management regarding financial and budgetary issues that are likely to arise in the impending negotiations.

(c)(i) In the case of bargaining agreements reached between institutions of higher education other than the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary

to implement the compensation and fringe benefit provisions of the bargaining agreements, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in (c)(iii) of this subsection.

(ii) In the case of bargaining agreements reached between the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of a bargaining agreement, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in this subsection (4)(c)(ii) and as provided in (c)(iii) of this subsection.

(A) If appropriations of less than ten thousand dollars are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered.

(B) If appropriations of ten thousand dollars or more are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request:

(I) Has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered; and

(II) Has been certified by the director of the office of financial management as being feasible financially for the state.

(C) If the director of the office of financial management does not certify a request under (c)(ii)(B) of this subsection as being feasible financially for the state, the parties shall enter into collective bargaining solely for the purpose of reaching a mutually agreed upon modification of the agreement necessary to address the absence of those requested funds. The legislature may act upon the compensation and fringe benefit provisions of the modified collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(iii) In the case of a bargaining unit of employees of institutions of higher education in which the exclusive bargaining representative is certified during or after the conclusion of a legislative session, the legislature may act upon the compensation and fringe benefit provisions of the unit's initial collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(5) There is hereby created a joint committee on employment relations, which consists of two members with leadership positions in the house of representatives, representing each of the two largest caucuses; the chair and ranking minority member of the house appropriations committee, or its successor, representing each of the two largest caucuses; two members with leadership positions in the senate, representing each of the two largest caucuses; and the chair and ranking minority member of the senate ways and means committee, or its successor, representing each of the two largest caucuses. The governor shall periodically consult with the committee regarding appropriations necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreements, and upon completion of negotiations, advise the committee on the elements of the agreements and on any legislation necessary to implement the agreements.

(6) If, after the compensation and fringe 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.

(7) After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(8) For the 2013 2015 fiscal biennium, a collective bargaining agreement related to employee health care benefits negotiated between the employer and coalition pursuant to RCW 41.80.020(3) regarding the dollar amount expended on behalf of each employee shall be a separate agreement for which the governor may request funds necessary to implement the agreement. The legislature may act upon a 2013 2015 collective bargaining agreement related to employee health care benefits if an agreement is reached and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating appropriations act by the sitting legislature.

Sec. 2. RCW 41.80.120 and 2002 c 354 s 313 are each amended to read as follows:

(1) The commission is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders: PROVIDED, That a complaint shall not be processed for any unfair labor practice occurring more than six months before the filing of the complaint with the commission. This power shall not be affected or impaired by any means of adjustment, mediation, or conciliation in labor disputes that have been or may hereafter be established by law.

(2) If the commission determines that any person has engaged in or is engaging in an unfair labor practice, the commission shall issue and cause to be served upon the person an order requiring the person to cease and desist from such unfair labor practice, and to take such affirmative action as will effectuate the purposes and policy of this chapter, such as the payment of damages, the ordering of interest arbitration as provided under RCW 41.80.010(2)(d), and the reinstatement of employees.

(3) The commission may petition the superior court for the county in which the main office of the employer is located or in which the person who has engaged or is engaging in such unfair labor practice resides or transacts business, for the enforcement of its order and for appropriate temporary relief."

Correct the title.

Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Manweller, Ranking Minority Member; Hunt, G., Assistant Ranking Minority Member and McCabe.

Referred to Committee on Appropriations.

March 30, 2015

ESSB 5803 Prime Sponsor, Committee on Early Learning & K-12 Education: Concerning the notification of parents when their children are below basic on the third grade statewide English language arts assessment. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair;

Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Fagan; Gregory; Griffey; Hargrove; Hayes; Hunt, S.; Kilduff; Klippert; Lytton; McCaslin; Orwall; Pollet and Springer.

Passed to Committee on Rules for second reading.

March 30, 2015

ESSB 5843 Prime Sponsor, Committee on Ways & Means: Concerning outdoor recreation. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Farrell; Goodman; Harris and McBride.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Pike and Taylor.

Referred to Committee on General Government & Information Technology.

March 30, 2015

ESB 5893 Prime Sponsor, Senator Fain: Addressing the nonemployee status of athletes in amateur sports. (REVISED FOR ENGROSSED: Addressing the nonemployee status of athletes affiliated with the Western Hockey League. ) Reported by Committee on Labor

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; Hunt, G., Assistant Ranking Minority Member and McCabe.

MINORITY recommendation: Do not pass. Signed by Representative Moeller.

MINORITY recommendation: Without recommendation. Signed by Representative Ormsby.

Passed to Committee on Rules for second reading.

March 26, 2015

SB 5903 Prime Sponsor, Senator Bailey: Restricting certain methods of selling marijuana. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 69.50 RCW to read as follows:

(1) A retailer licensed under this chapter may use a vending machine for the retail sale of useable marijuana, marijuana concentrates, and marijuana-infused products, subject to approval from the board prior to the installation or use of the machine in the licensed premises.

(2) The board is granted general authority to adopt rules necessary for the implementation of this section, including, but not limited to, rules governing:

(a) The operational characteristics of the vending machines;

(b) Identification and age verification processes and requirements for customers who make purchases from the machines;

(c) The location of vending machines within the licensed premises and measures to prevent access to the machines by persons under age 21;

(d) The types and quantities of marijuana-related products that may be purchased from the vending machines; and

(e) Signs and labeling that must be affixed to vending machines pertaining to public health and safety notifications, legal warnings and requirements, and other disclosures and information as deemed necessary by the board.

(3) The products sold through vending machines, and the use of such machines, must comply with the pertinent provisions of this chapter regarding the retail sale of useable marijuana, marijuana concentrates, and marijuana-infused products.

(4) For the purposes of this section, "vending machine" means a machine or other mechanical device that accepts payment and:

(a) Dispenses tangible personal property; or

(b) Provides a service to the buyer.

NEW SECTION. Sec. 2. A new section is added to chapter 69.50 RCW to read as follows:

(1) A retailer licensed under this chapter is prohibited from operating a drive-through purchase facility where marijuana concentrates, marijuana-infused products, or useable marijuana are sold at retail and dispensed through a window or door to a purchaser who is either in or on a motor vehicle or otherwise located outside of the licensed premises at the time of sale.

(2) The state liquor control board may not issue, transfer, or renew a marijuana retail license for any licensee in violation of the provisions of subsection (1) of this section."

Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on Rules for second reading.

March 30, 2015

ESSB 5994 Prime Sponsor, Committee on Transportation: Concerning permits for state transportation corridor projects. Reported by Committee on Environment

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.58.355 and 2012 c 169 s 1 are each amended to read as follows:

Requirements to obtain a substantial development permit, conditional use permit, ~~((or))~~ variance, letter of exemption, or other review conducted by a local government to implement this chapter shall not apply to ~~((any person))~~:

(1) Any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department must ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70.105D.090; ~~((or))~~

(2) Any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a

national pollutant discharge elimination system storm water general permit. The department must ensure compliance with the substantive requirements of this chapter through the review of engineering reports, site plans, and other documents related to the installation of boatyard storm water treatment facilities;

(3)(a) Subject to the limitations specified in this subsection (3), normal maintenance or repair of existing structures or developments by the department of transportation, including maintenance or repair of damage caused by accident, fire, or the elements.

(b) For purposes of this subsection (3), the following definitions apply:

(i) "Normal maintenance" includes any usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

(ii) "Normal repair" means to restore a structure or development to a state comparable to its original condition including, but not limited to, restoring the development's size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction. Normal repair of a structure or development may not cause substantial adverse effects to shoreline resources or the shoreline environment. Replacement of a structure or development may be authorized as a normal repair if:

(A) Replacement is the common method of repair for the type of structure or development;

(B) The replacement structure or development is comparable to the original structure or development including, but not limited to, the size, shape, configuration, location, and external appearance of the original structure or development; and

(C) The replacement does not cause substantial adverse effects to shoreline resources or the shoreline environment.

(c) Normal maintenance or repair of an existing structure or development under this subsection (3) does not include the expansion of an existing structure or development, or the construction of a new structure or development that does not meet the criteria of a replacement structure or development under (b)(ii) of this subsection (3); or

(4) Construction or installation of safety structures and equipment by the department of transportation, including pavement marking, freeway surveillance and control systems, railroad protective devices not including grade-separated crossings, grooving, glare screen, safety barriers, energy attenuators, and hazardous or dangerous tree removal.

**Sec. 2.** RCW 90.58.140 and 2012 c 84 s 2 are each amended to read as follows:

(1) A development shall not be undertaken on the shorelines of the state unless it is consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, rules, or master program.

(2) A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and rules of the department; and (iii) so far as can be ascertained, the master program being developed for the area;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and this chapter.

(3) The local government shall establish a program, consistent with rules adopted by the department, for the administration and

enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government.

(4) Except as otherwise specifically provided in subsection (11) of this section, the local government shall require notification of the public of all applications for permits governed by any permit system established pursuant to subsection (3) of this section by ensuring that notice of the application is given by at least one of the following methods:

(a) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;

(b) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or

(c) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

The notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning an application as expeditiously as possible after the issuance of the decision, may submit the comments or requests for decisions to the local government within thirty days of the last date the notice is to be published pursuant to this subsection. The local government shall forward, in a timely manner following the issuance of a decision, a copy of the decision to each person who submits a request for the decision.

If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.

(5) The system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until twenty-one days from the date the permit decision was filed as provided in subsection (6) of this section; or until all review proceedings are terminated if the proceedings were initiated within twenty-one days from the date of filing as defined in subsection (6) of this section except as follows:

(a) In the case of any permit issued to the state of Washington, department of transportation, for the construction and modification of SR 90 (I-90) on or adjacent to Lake Washington, the construction may begin after thirty days from the date of filing, and the permits are valid until December 31, 1995;

(b)(i) In the case of any permit or decision to issue any permit to the state of Washington, department of transportation, for the replacement of the floating bridge and landings of the state route number 520 Evergreen Point bridge on or adjacent to Lake Washington, the construction may begin twenty-one days from the date of filing. Any substantial development permit granted for the floating bridge and landings is deemed to have been granted on the date that the local government's decision to grant the permit is issued. This authorization to construct is limited to only those elements of the floating bridge and landings that do not preclude the department of transportation's selection of a four-lane alternative for state route number 520 between Interstate 5 and Medina. Additionally, the Washington state department of transportation shall not engage in or contract for any construction on any portion of state route number 520 between Interstate 5 and the western landing of the floating bridge until the legislature has authorized the imposition of tolls on the Interstate 90 floating bridge and/or other funding sufficient to complete construction of the state route number 520 bridge replacement and HOV program. For the purposes of this subsection (5)(b), the "western landing of the floating bridge" means the least amount of new construction necessary to connect the new floating bridge to the existing state

route number 520 and anchor the west end of the new floating bridge;

(ii) Nothing in this subsection (5)(b) precludes the shorelines hearings board from concluding that the project or any element of the project is inconsistent with the goals and policies of the shoreline management act or the local shoreline master program;

(iii) This subsection (5)(b) applies retroactively to any appeals filed after January 1, 2012, and to any appeals filed on or after March 23, 2012, and expires June 30, 2014(-);

(c)(i) In the case of any permit or decision to issue any permit for a transportation project, construction may begin twenty-one days after the date of filing if the following requirements are met:

(A) The project qualifies as water-dependent or water-related as applied in this chapter and described in WAC 173-26-020, and the project, as supported by adequate findings, requires an in-water or over-water location;

(B) All components of the project achieve a no net loss of shoreline ecological functions in accordance with WAC 173-26-171 through 173-26-251;

(C) The department of transportation provides the department with an assessment of how the project affects shoreline ecological functions. This assessment must include specific actions for avoiding, minimizing, and mitigating impacts to shoreline ecological functions that ensure that there is no net loss of ecological functions;

(D) The department, after reviewing the assessment required in (c)(i)(C) of this subsection, determines that the project will result in no net loss of ecological functions. The department's determination must be completed before the final issuance of all appropriate shoreline permits and variances; and

(E) A performance bond is posted by the project proponent adequate to finance mitigation for impacts to ecological functions resulting from the project, and long-term reporting and monitoring of ecological functions;

(ii) Nothing in this subsection (5)(c) precludes the shorelines hearings board from concluding that the shoreline project or any element of the project is inconsistent with the goals and policies of this chapter or the local shoreline master program;

(iii) This subsection (5)(c) does not apply to permit decisions for the replacement of the floating bridge and landings of the state route number 520 Evergreen Point bridge on or adjacent to Lake Washington;

(d) Except as authorized in (b) and (c) of this subsection, construction may be commenced no sooner than thirty days after the date of the appeal of the board's decision is filed if a permit is granted by the local government and (i) the granting of the permit is appealed to the shorelines hearings board within twenty-one days of the date of filing, (ii) the hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit, and (iii) an appeal for judicial review of the hearings board decision is filed pursuant to chapter 34.05 RCW. The appellant may request, within ten days of the filing of the appeal with the court, a hearing before the court to determine whether construction pursuant to the permit approved by the hearings board or to a revised permit issued pursuant to the order of the hearings board should not commence. If, at the conclusion of the hearing, the court finds that construction pursuant to such a permit would involve a significant, irreversible damaging of the environment, the court shall prohibit the permittee from commencing the construction pursuant to the approved or revised permit until all review proceedings are final. Construction pursuant to a permit revised at the direction of the hearings board may begin only on that portion of the substantial development for which the local government had originally issued the permit, and construction pursuant to such a revised permit on other portions of

the substantial development may not begin until after all review proceedings are terminated. In such a hearing before the court, the burden of proving whether the construction may involve significant irreversible damage to the environment and demonstrating whether such construction would or would not be appropriate is on the appellant;

~~((4))~~ (e) Except as authorized in (b) and (c) of this subsection, if the permit is for a substantial development meeting the requirements of subsection (11) of this section, construction pursuant to that permit may not begin or be authorized until twenty-one days from the date the permit decision was filed as provided in subsection (6) of this section.

If a permittee begins construction pursuant to (a), (b), (c), ~~((e))~~ (d), or (e) of this subsection, the construction is begun at the permittee's own risk. If, as a result of judicial review, the courts order the removal of any portion of the construction or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permittee is barred from recovering damages or costs involved in adhering to such requirements from the local government that granted the permit, the hearings board, or any appellant or intervener.

(6) Any decision on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general. This shall be accomplished by return receipt requested mail. A petition for review of such a decision must be commenced within twenty-one days from the date of filing of the decision.

(a) With regard to a permit other than a permit governed by subsection (10) of this section, "date of filing" as used in this section refers to the date of actual receipt by the department of the local government's decision.

(b) With regard to a permit for a variance or a conditional use governed by subsection (10) of this section, "date of filing" means the date the decision of the department is transmitted by the department to the local government.

(c) When a local government simultaneously transmits to the department its decision on a shoreline substantial development with its approval of either a shoreline conditional use permit or variance, or both, "date of filing" has the same meaning as defined in (b) of this subsection.

(d) The department shall notify in writing the local government and the applicant of the date of filing by telephone or electronic means, followed by written communication as necessary, to ensure that the applicant has received the full written decision.

(7) Applicants for permits under this section have the burden of proving that a proposed substantial development is consistent with the criteria that must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.180 (1) and (2), the person requesting the review has the burden of proof.

(8) Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. If the department is of the opinion that noncompliance exists, the department shall provide written notice to the local government and the permittee. If the department is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of the permit upon written notice of the petition to the local government and the permittee if the request by the department is made to the hearings board within fifteen days of the termination of the thirty-day notice to the local government.

(9) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(10) Any permit for a variance or a conditional use issued with approval by a local government under their approved master program must be submitted to the department for its approval or disapproval.

(11)(a) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to the following procedures:

(i) The public comment period under subsection (4) of this section shall be twenty days. The notice provided under subsection (4) of this section shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;

(ii) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in (a)(i) of this subsection; and

(iii) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.

(b) For purposes of this section, a limited utility extension means the extension of a utility service that:

(i) Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;

(ii) Will serve an existing use in compliance with this chapter; and

(iii) Will not extend more than twenty-five hundred linear feet within the shorelines of the state."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Farrell; Goodman; McBride and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Harris and Pike.

Referred to Committee on Transportation.

#### FIRST SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 31, 2015

**HB 1166** Prime Sponsor, Representative Dunshee: Concerning state general obligation bonds and related accounts. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson; Riccelli and Walsh.

Referred to Committee on .

March 31, 2015

**ESSB 5084** Prime Sponsor, Committee on Health Care: Modifying the all payer claims database to improve health care quality and cost transparency by changing provisions related to definitions

regarding data, reporting and pricing of products, responsibilities of the office of financial management and the lead organization, submission to the database, and parameters for release of information. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Harris, Assistant Ranking Minority Member; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Tharinger and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier and Short.

Passed to Committee on Rules for second reading.

March 30, 2015

**SB 5085** Prime Sponsor, Senator Rolfes: Authorizing siblings of United States armed forces members who died while in service or as a result of service to apply for gold star license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.18.245 and 2013 c 137 s 1 are each amended to read as follows:

(1) A registered owner who is an eligible family member of a member of the United States armed forces who died while in service to his or her country, or as a result of his or her service, may apply to the department for special gold star license plates for use on a motor vehicle. The registered owner must:

(a) Be a resident of this state;

(b) Provide proof to the satisfaction of the department that the registered owner is an eligible family member, which includes:

(i) A widow;

(ii) A widower;

(iii) A biological parent;

(iv) An adoptive parent;

(v) A stepparent;

(vi) An adult in loco parentis or foster parent;

(vii) A biological child; (~~or~~)

(viii) An adopted child; or

(ix) A sibling;

(c) Provide certification from the Washington state department of veterans affairs that the registered owner qualifies for the special license plate under this section;

(d) Be recorded as the registered owner of the motor vehicle on which the gold star license plates will be displayed; and

(e) Except as provided in subsection (2) of this section, pay all fees and taxes required by law for registering the motor vehicle.

(2) In addition to the license plate fee exemption in subsection (3)(b) of this section, the widow or widower recipient of a gold star license plate under this section is also exempt from annual vehicle registration fees for one personal use motor vehicle.

(3) Gold star license plates must be issued:

(a) Only for motor vehicles owned by qualifying applicants;

and

(b) Without payment of any license plate fee.

((↔)) (4) Gold star license plates must be replaced, free of charge, if the license plates become lost, stolen, damaged, defaced, or destroyed.

((↔)) (5) Gold star license plates may be transferred from one motor vehicle to another motor vehicle owned by the eligible family member, as described in subsection (1) of this section, upon application to the department, county auditor or other agent, or subagent appointed by the director."

Correct the title.

Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Bergquist; Gregerson; Harmsworth; Hayes; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Sells; Shea; Takko; Tarleton; Wilson; Young and Zeiger.

Passed to Committee on Rules for second reading.

March 31, 2015

ESSB 5133 Prime Sponsor, Committee on Higher Education: Concerning a study of higher education cost drivers. (REVISED FOR ENGROSSED: Concerning a review of higher education costs. ) Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The joint legislative audit and review committee shall conduct a review of the available financial records on higher education costs of instruction at the state universities, regional universities, and The Evergreen State College. In conducting the review, the committee shall consult with the institutions of higher education and the education data center within the office of financial management.

(2)(a) The review must describe the available financial records on higher education costs of instruction for each institution and the available cost of attendance data for students over the most recent twenty-year period, including the cost of:

- (i) Research;
- (ii) Faculty and staff salaries;
- (iii) Administration;
- (iv) Health care and benefits;
- (v) Capital;
- (vi) Student services;
- (vii) Textbooks; and
- (viii) Student housing.

(b) The review must also compare whether this data is available for institutions and students in the global challenge states.

(c) The review shall use information already available and report where there are gaps in the information sought under this section. The education data center in the office of financial management and the institutions of higher education must provide data to the committee to assist with completing the review.

(3) The joint legislative audit and review committee shall issue a report to the legislature by January 2016.

(4) This section expires July 1, 2016."

Correct the title.

Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Gregory; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Referred to Committee on Appropriations.

March 31, 2015

SSB 5154 Prime Sponsor, Committee on Ways & Means: Concerning registered sex or kidnapping offenders. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The sex offender policy board must review and make findings and recommendations regarding the following:

(a) Disclosure to the public of information compiled and submitted for the purposes of sex offender and kidnapping offender registries that is currently held by public agencies, including the relationship between chapter 42.56 RCW and RCW 4.24.550; and

(b) Ability of registered sex offenders and kidnapping offenders to petition for review of their assigned risk level classification and whether such a review process should be conducted according to a uniform statewide standard.

(2) The sex offender policy board must report its findings and recommendations pursuant to this section to the governor and to the appropriate committees of the legislature on or before December 1, 2015.

(3) This section expires January 31, 2016."

Correct the title.

Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

March 31, 2015

SSB 5328 Prime Sponsor, Committee on Higher Education: Disseminating financial aid information. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Gregory; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representative Hargrove.

Passed to Committee on Rules for second reading.

March 31, 2015

SSB 5355 Prime Sponsor, Committee on Higher Education: Modifying the definition of resident student to comply with federal requirements established by the veterans access, choice, and accountability act of 2014. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.15.012 and 2014 c 183 s 1 are each amended to read as follows:

Whenever used in this chapter:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) Any person who has completed the full senior year of high school and obtained a high school diploma, both at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma; who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent; who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an institution of higher education under subsection (1) of this section; and who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses;

(f) Any person who has lived in Washington, primarily for purposes other than educational, for at least one year immediately before the date on which the person has enrolled in an institution, and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec. (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant status as the spouse or child of a person having nonimmigrant status under one of those subsections, or who, holding or having previously held such lawful nonimmigrant status as a principal or derivative, has filed an application for adjustment of status pursuant to 8 U.S.C. Sec. 1255(a);

(g) A student who is on active military duty stationed in the state or who is a member of the Washington national guard;

(h) A student who is on active military duty or a member of the national guard who entered service as a Washington resident and who has maintained Washington as his or her domicile but is not stationed in the state;

(i) A student who is the spouse or a dependent of a person who is on active military duty or a member of the national guard who entered service as a Washington resident and who has

maintained Washington as his or her domicile but is not stationed in the state. If the person on active military duty is reassigned out-of-state, the student maintains the status as a resident student so long as the student is continuously enrolled in a degree program;

(j) A student who resides in the state of Washington and is the spouse or a dependent of a person who is a member of the Washington national guard;

~~(k)(i)(A) A student who ((has separated from the military under honorable conditions after at least two years of service, and who enters));~~

(I) Has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service;

(II) Is eligible for benefits under the federal all-volunteer force educational assistance program (38 U.S.C. Sec. 3001 et seq.), the federal post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec. 3301 et seq.), or any other federal law authorizing educational assistance benefits for veterans; and

(III) Enters an institution of higher education in Washington within ((one)) three years of the date of separation ((who:

~~(i) At the time of separation designated Washington as his or her intended domicile; or~~

~~(ii) Has Washington as his or her official home of record; or~~

~~(iii) Moves to Washington and establishes a domicile as determined in RCW 28B.15.013;~~

~~(l) A student who is the spouse or a dependent of an individual who has separated from the military under honorable conditions after at least two years of service who:~~

~~(i) At the time of discharge designates Washington as his or her intended domicile; and~~

~~(ii) Has Washington as his or her primary domicile as determined in RCW 28B.15.013; and~~

~~(iii) Enters an institution of higher education in Washington within one year of the date of discharge); or~~

(B) A student who is a spouse, former spouse, or child, and is entitled to veterans administration educational benefits based on their relationship to an individual who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service, and who enters an institution of higher education in Washington within three years of the date of separation; or

(C) A student who is entitled to veterans administration educational benefits based on their relationship with a deceased member of the uniformed services who completed at least ninety days of active duty service and died in the line of duty, and the student enters an institution of higher education in Washington within three years of the service member's death;

(ii) A student who qualifies under (k)(i)(A) through (C) of this subsection and who remains continuously enrolled at an institution of higher education shall retain resident student status;

(iii) Nothing in this subsection (2)(k) applies to students who have a dishonorable discharge from the uniformed services, or to students who are the spouse or child of an individual who has had a dishonorable discharge from the uniformed services, unless the student is receiving veterans administration educational assistance benefits;

~~((m))~~ (l) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725;

~~((n))~~ (m) A student who meets the requirements of RCW 28B.15.0131: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one

year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational;

~~((e))~~ (n) A student who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington; or

~~((f))~~ (o) A student who resides in Washington and is the spouse or a dependent of a person who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington. If the person on active military duty moves from Washington or is reassigned out of the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington, the student maintains the status as a resident student so long as the student resides in Washington and is continuously enrolled in a degree program.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of this section and RCW 28B.15.013. Except for students qualifying under subsection (2)(e) or ~~((g))~~ (l) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter.

(b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States citizenship immigration services or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in this section and RCW 28B.15.013.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules adopted by the student achievement council and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the council may require.

(6) The term "active military duty" means the person is serving on active duty in:

(a) The armed forces of the United States government; or

(b) The Washington national guard; or

(c) The coast guard, merchant mariners, or other nonmilitary organization when such service is recognized by the United States government as equivalent to service in the armed forces.

(7) The term "active duty service" means full-time duty, other than active duty for training, as a member of the uniformed service of the United States. Active duty service as a national guard member under Title 32 U.S.C. for the purpose of organizing, administering, recruiting, instructing, or training and active service under 32 U.S.C. Sec. 502(f) for the purpose of responding to a national emergency is recognized as active duty service.

(8) The term "uniformed services" is defined by Title 10 U.S.C.; subsequently structured and organized by Titles 14, 33,

and 42 U.S.C.; consisting of the United States army, United States marine corps, United States navy, United States air force, United States coast guard, United States public health service commissioned corps, and the national oceanic and atmospheric administration commissioned officer corps.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2015."

Correct the title.

Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Gregory; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Referred to Committee on Appropriations.

March 30, 2015

SSB 5397 Prime Sponsor, Committee on Transportation: Concerning the disclosure of certain transportation-related information by the department of licensing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Bergquist; Gregerson; Harmsworth; Hayes; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Sells; Shea; Takko; Tarleton; Wilson; Young and Zeiger.

Passed to Committee on Rules for second reading.

March 31, 2015

SSB 5534 Prime Sponsor, Committee on Higher Education: Creating the certified public accounting scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The certified public accounting scholarship program is established.

(2) The purpose of this scholarship program is to increase the number of students pursuing the certified public accounting license in Washington state.

(3) Scholarships shall be awarded to eligible students based on merit and without regard to age, gender, race, creed, religion, ethnic or national origin, or sexual orientation. In the selection process, the foundation is encouraged to consider the level of financial need demonstrated by applicants who otherwise meet merit-based scholarship criteria.

(4) Scholarships shall be awarded every year not to exceed the net balance of the foundation's scholarship award account.

(5) Scholarships shall be awarded to eligible students for one year. Qualified applicants may reapply in subsequent years.

(6) Scholarships awarded to program participants shall be paid directly to the Washington-based college or university where the program participant is enrolled.

(7) A scholarship award for any program participant shall not exceed the cost of tuition and fees assessed by the college or

university on that individual program participant for the academic year of the award.

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

(1) "Board" means the board of accountancy created in RCW 18.04.035.

(2) "Eligible student" means a student enrolled at an accredited Washington-based college or university with a declared major in accounting, entering his or her junior year or higher. "Eligible student" includes community college transfer students, residents of Washington pursuing an online degree in accounting, and students pursuing a masters in tax, masters in accounting, or a PhD in accounting.

(3) "Foundation" means the Washington CPA foundation.

(4) "Program" means the certificated public accounting scholarship program created in this chapter.

(5) "Program participant" means an eligible student who is awarded a scholarship under the program.

(6) "Resident student" has the definition in RCW 28B.15.012.

**NEW SECTION. Sec. 3.** The board must contract with a foundation to develop and administer the program. The board shall provide oversight and guidance for the program in light of established legislative priorities and to fulfill the duties and responsibilities under this chapter and chapter 18.04 RCW, including determining eligible education programs for purposes of the program. The board shall negotiate a reasonable administrative fee for the services provided by the foundation. In addition to its contractual obligations with the board, the foundation has the duties and responsibilities to:

(1) Establish a separate scholarship award account to receive state funds and from which to disburse scholarship awards;

(2) Manage and invest funds in the separate scholarship award account to maximize returns at a prudent level of risk and to maintain books and records of the account for examination by the board as it deems necessary or appropriate;

(3) In consultation with the board, make an assessment of the reasonable annual eligible expenses associated with eligible education programs identified by the board;

(4) Work with board, institutions of higher education, the student achievement council, and other organizations to promote and publicize the program to obtain a wide and diverse group of applicants;

(5) Develop and implement an application, selection, and notification process for awarding certified public accounting scholarships;

(6) Determine the annual amount of the certified public accounting scholarship for each program participant;

(7) Distribute scholarship awards to colleges and universities for program participants; and

(8) Notify the student achievement council and colleges and universities of enrolled program participants and inform them of the terms and conditions of the scholarship award.

**NEW SECTION. Sec. 4.** By January 1, 2016, and annually each January 1st thereafter, the foundation contracted with under section 3 of this act shall report to the board regarding the program, including:

(1) An accounting of receipts and disbursements of the foundation's separate scholarship award account including any realized or unrealized gains or losses and the resulting change in account balance;

(2) A list of the program participants and the scholarship amount awarded, by year; and

(3) Other outcome measures necessary for the board to assess the impacts of the program.

**NEW SECTION. Sec. 5.** (1) The certified public accounting scholarship transfer account is created in the custody of the state treasurer. Expenditures from the account may be used solely for scholarships and the administration of the program created in section 1 of this act.

(2) Revenues to the account shall consist of appropriations by the legislature and any gifts, grants, or donations received by the board for this purpose.

(3) Only the director of the board or the director's designee may authorize expenditures from the certified public accounting scholarship transfer account. The account is not subject to the allotment procedures under chapter 43.88 RCW and an appropriation is not required for expenditures.

**Sec. 6.** RCW 18.04.065 and 2001 c 294 s 6 are each amended to read as follows:

The board shall set its fees at a level adequate to pay the costs of administering this chapter. All fees for licenses, registrations of nonlicensee partners, shareholders, and managers of licensed firms, renewals of licenses, renewals of registrations of nonlicensee partners, shareholders, and managers of licensed firms, renewals of certificates, reinstatements of lapsed licenses, reinstatements of lapsed certificates, reinstatements of lapsed registrations of nonlicensee partners, shareholders, and managers of licensed firms, practice privileges under RCW 18.04.350, and delinquent filings received under the authority of this chapter shall be deposited in the certified public accountants' account created by RCW 18.04.105. Appropriation from such account shall be made only for the cost of administering the provisions of this chapter or for the purpose of administering the certified public accounting scholarship program created in chapter 28B.--- RCW (the new chapter created in section 7 of this act).

**NEW SECTION. Sec. 7.** Sections 1 through 5 of this act constitute a new chapter in Title 28B RCW."

Correct the title.

Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Gregory; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Referred to Committee on Appropriations.

March 31, 2015

**ESSB 5550** Prime Sponsor, Committee on Transportation: Regulating providers of commercial transportation services. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** This act may be known and cited as the insurance for providers of commercial transportation services act.

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

(1) "Commercial transportation services" or "services" means all times the driver is logged in to a commercial transportation services provider's digital network or software application or until the passenger has left the personal vehicle, whichever is later.

(2) "Commercial transportation services provider" means a corporation, partnership, sole proprietorship, or other entity, operating in Washington, that uses a digital network or software

application to connect passengers to drivers for the purpose of providing a prearranged ride.

(3) "Driver" means an individual who uses a personal vehicle to provide services for passengers matched through a commercial transportation services provider's digital network or software application. A driver need not be an employee of a commercial transportation services provider.

(4) "Passenger" means a passenger in a personal vehicle for whom transport is provided, including:

(a) An individual who uses a commercial transportation services provider's digital network or software application to connect with a driver to obtain services in the driver's vehicle for the individual and anyone in the individual's party; or

(b) Anyone for whom another individual uses a commercial transportation services provider's digital network or software application to connect with a driver to obtain services in the driver's vehicle.

(5) "Personal vehicle" means a vehicle that is used by a driver in connection with providing services for a commercial transportation services provider.

(6) "Prearranged ride" means a route of travel between points chosen by the passenger and arranged with a driver through the use of a commercial transportation services provider's digital network or software application. The ride begins when a driver accepts a requested ride through a digital network or software application, continues while the driver transports the passenger in a personal vehicle, and ends when the passenger departs from the personal vehicle.

**NEW SECTION. Sec. 3.** (1)(a) Before being used to provide commercial transportation services, every personal vehicle must be covered by a primary automobile insurance policy that specifically covers commercial transportation services. Except as provided in subsection (2) of this section, a commercial transportation services provider must secure this policy for every personal vehicle used to provide commercial transportation services. For purposes of this section, a "primary automobile insurance policy" is not a private passenger automobile insurance policy.

(b)(i) The primary automobile insurance policy required under this section must provide coverage, as specified in this subsection (1)(b), at all times the driver is logged in to a commercial transportation provider's digital network or software application and at all times a passenger is in the vehicle as part of a prearranged ride, as follows:

(A) Liability coverage, while providing commercial transportation services applicable during the period before a driver accepts a requested ride through a digital network or software application, in an amount no less than fifty thousand dollars per person for bodily injury, one hundred thousand dollars per accident for bodily injury of all persons, and thirty thousand dollars for damage to property;

(B) Uninsured motorist coverage and underinsured motorist coverage in the amount of no less than fifty thousand dollars per person for bodily injury and one hundred thousand dollars per accident for bodily injury of all persons;

(C) Personal injury protection coverage pursuant to RCW 48.22.095; and

(D) Comprehensive and collision coverage with a maximum deductible of five hundred dollars.

(ii) The primary automobile insurance policy required under this subsection must provide the following coverages, applicable during the period of a prearranged ride:

(A) Combined single limit liability coverage in the amount of one million dollars for death, personal injury, and property damage;

(B) Uninsured motorist coverage and underinsured motorist coverage in the amount of one million dollars;

(C) Personal injury protection coverage pursuant to RCW 48.22.095; and

(D) Comprehensive and collision coverage with a maximum deductible of five hundred dollars.

(2)(a) As an alternative to the provisions of subsection (1) of this section, if the office of the insurance commissioner approves the offering of an insurance policy that recognizes that a person is acting as a provider of commercial transportation services and using a personal vehicle to provide commercial transportation services, a driver may secure a primary automobile insurance policy covering a personal vehicle and providing the same coverage as required in subsection (1) of this section. The policy coverage may be in the form of a rider to, or endorsement of, the driver's private passenger automobile insurance policy only if approved as such by the office of the insurance commissioner.

(b) If the primary automobile insurance policy maintained by a driver to meet the obligation of this section does not provide coverage for any reason, including that the policy lapsed or did not exist, the commercial transportation services provider must provide the coverage required under this section beginning with the first dollar of a claim.

(c) The primary automobile insurance policy required under this subsection and subsection (1) of this section may be secured by any of the following:

(i) The commercial transportation services provider as provided in subsection (1) of this section;

(ii) The driver as provided under (a) of this subsection; or

(iii) A combination of both the commercial transportation services provider and the driver.

(3) The insurer or insurers providing coverage under subsections (1) and (2) of this section are the only insurers having the duty to defend any liability claim from an accident occurring while commercial transportation services are being provided.

(4) If a driver purchases a primary automobile insurance policy as allowed under subsection (2) of this section, the commercial transportation services provider must verify that the driver has done so.

(5) A primary automobile insurance policy required under subsection (1) or (2) of this section may be placed with an insurer licensed under this title to provide insurance in the state of Washington or as an eligible surplus line insurance policy as described in RCW 48.15.040.

(6) The insurance coverage requirements described in subsections (1) and (2) of this section do not apply to drivers and entities that have coverage pursuant to chapter 46.72 or 46.72A RCW.

(7) This section does not require a private passenger automobile insurance policy to provide primary or excess coverage or a duty to defend for the period of time in which a driver is logged in to a commercial transportation services provider's digital network or software application or while a passenger is in the vehicle.

(8)(a) A commercial transportation services provider must make the following disclosures to a prospective driver in the prospective driver's terms of service:

WHILE OPERATING ON THE COMMERCIAL TRANSPORTATION SERVICES PROVIDER'S DIGITAL NETWORK OR SOFTWARE APPLICATION, YOUR PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICY MIGHT NOT AFFORD LIABILITY, UNDERINSURED MOTORIST, PERSONAL INJURY PROTECTION, COMPREHENSIVE, OR COLLISION COVERAGE, DEPENDING ON THE TERMS OF THE POLICY.

IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE COMMERCIAL TRANSPORTATION SERVICES HAS A LIEN AGAINST IT, YOU MUST NOTIFY THE

LIENHOLDER THAT YOU WILL BE USING THE VEHICLE FOR COMMERCIAL TRANSPORTATION SERVICES THAT MAY VIOLATE THE TERMS OF YOUR CONTRACT WITH THE LIENHOLDER.

(b) The prospective driver must acknowledge the terms of service electronically or by signature.

(9) If more than one insurance policy provides valid and collectible coverage for a loss arising out of an occurrence involving a motor vehicle operated by a driver, the responsibility for the claim must be divided as follows:

(a) Except as provided otherwise under subsection (2)(c) of this section, if the driver has been matched with a passenger and is traveling to pick up the passenger, or the driver is providing services to a passenger, the commercial transportation services provider that matched the driver and passenger must provide insurance coverage; or

(b) If the driver is logged in to more than one commercial transportation services provider's digital network or software application but has not been matched with a passenger, the liability must be divided equally among all of the applicable insurance policies that specifically provide coverage for commercial transportation services.

(10) In an accident or claims coverage investigation, a commercial transportation services provider or its insurer must cooperate with a private passenger automobile insurance policy insurer and other insurers that are involved in the claims coverage investigation to facilitate the exchange of information, including the provision of (a) dates and times at which an accident occurred that involved a participating driver and (b) within ten business days after receiving a request, a copy of the company's electronic record showing the precise times that the participating driver logged on and off the commercial transportation services provider's digital network or software application on the day the accident or other loss occurred. The commercial transportation services provider or its insurer must retain all data, communications, or documents related to insurance coverage or accident details for a period of not less than the applicable statutes of limitation, plus two years from the date of an accident to which those records pertain.

(11) This section does not modify or abrogate any otherwise applicable insurance requirement set forth in this title.

(12) After July 1, 2016, an insurance company regulated under this title may not deny an otherwise covered claim arising exclusively out of the personal use of the private passenger automobile solely on the basis that the insured, at other times, used the private passenger automobile covered by the policy to provide commercial transportation services.

**Sec. 4.** RCW 51.12.020 and 2013 c 141 s 3 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, or repair, in or about the private home of the employer. For the purposes of this subsection, "maintenance" means the work of keeping in proper condition, "repair" means to restore to sound condition after damage, and "private home" means a person's place of residence.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors or partners.

(6) Any child under eighteen years of age employed by his or her parent or parents in agricultural activities on the family farm.

(7) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(8)(a) Except as otherwise provided in (b) of this subsection, any bona fide officer of a corporation voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation, who at all times during the period involved is also a bona fide director, and who is also a shareholder of the corporation. Only such officers who exercise substantial control in the daily management of the corporation and whose primary responsibilities do not include the performance of manual labor are included within this subsection.

(b) Alternatively, a corporation that is not a "public company" as defined in RCW 23B.01.400 may exempt eight or fewer bona fide officers, who are voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation and who exercise substantial control in the daily management of the corporation, from coverage under this title without regard to the officers' performance of manual labor if the exempted officer is a shareholder of the corporation, or may exempt any number of officers if all the exempted officers are related by blood within the third degree or marriage. If a corporation that is not a "public company" elects to be covered under subsection (8)(a) of this section, the corporation's election must be made on a form prescribed by the department and under such reasonable rules as the department may adopt.

(c) Determinations respecting the status of persons performing services for a corporation shall be made, in part, by reference to Title 23B RCW and to compliance by the corporation with its own articles of incorporation and bylaws. For the purpose of determining coverage under this title, substance shall control over form, and mandatory coverage under this title shall extend to all workers of this state, regardless of honorary titles conferred upon those actually serving as workers.

(d) A corporation may elect to cover officers who are exempted by this subsection in the manner provided by RCW 51.12.110.

(9) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

(10) Services performed by a newspaper vendor, carrier, or delivery person selling or distributing newspapers on the street, to offices, to businesses, or from house to house and any freelance news correspondent or "stringer" who, using his or her own equipment, chooses to submit material for publication for free or a fee when such material is published.

(11) Services performed by an insurance producer, as defined in RCW 48.17.010, or a surplus line broker licensed under chapter 48.15 RCW.

(12) Services performed by a booth renter. However, a person exempted under this subsection may elect coverage under RCW 51.32.030.

(13) Members of a limited liability company, if either:

(a) Management of the company is vested in its members, and the members for whom exemption is sought would qualify for exemption under subsection (5) of this section were the company a sole proprietorship or partnership; or

(b) Management of the company is vested in one or more managers, and the members for whom the exemption is sought are

managers who would qualify for exemption under subsection (8) of this section were the company a corporation.

(14) A driver providing commercial transportation services as defined in section 2 of this act. The driver may elect coverage in the manner provided by RCW 51.32.030.

(15) For hire vehicle operators under chapter 46.72 RCW who own or lease the for hire vehicle, chauffeurs under chapter 46.72A RCW who own or lease the limousine, and operators of taxicabs under chapter 81.72 RCW who own or lease the taxicab. An owner or lessee may elect coverage in the manner provided by RCW 51.32.030.

**Sec. 5.** RCW 51.12.185 and 2011 c 190 s 4 are each amended to read as follows:

(1) ~~((In order to assist the department with controlling costs related to the self monitoring of industrial insurance claims by independent owner operated for hire vehicle, limousine, and taxicab businesses,))~~ The department may appoint a panel of individuals with for hire vehicle, limousine, or taxicab transportation industry experience and expertise to advise the department.

(2) The owner or lessee of any for hire, limousine, or taxicab vehicle ~~((subject to mandatory industrial insurance pursuant to RCW 51.12.183))~~ is eligible for inclusion in a retrospective rating program authorized and established pursuant to chapter 51.18 RCW.

**NEW SECTION. Sec. 6.** The following acts or parts of acts are each repealed:

(1) RCW 46.72.073 (Certificate suspension or revocation—Failure to pay industrial insurance premiums—Rules—Cooperative agreements) and 2011 c 190 s 5;

(2) RCW 46.72A.053 (Certificate suspension or revocation—Failure to pay industrial insurance premiums—Rules—Cooperative agreements) and 2011 c 190 s 6;

(3) RCW 51.12.180 (For hire vehicle businesses and operators—Findings—Declaration) and 2011 c 190 s 1;

(4) RCW 51.12.183 (For hire vehicle businesses and operators—Mandatory coverage—Definitions) and 2011 c 190 s 2;

(5) RCW 51.16.240 (For hire vehicle businesses and operators—Basis for premiums—Rules) and 2011 c 190 s 3; and

(6) RCW 81.72.230 (License suspension or revocation—Failure to pay industrial insurance premiums—Rules—Cooperative agreements) and 2011 c 190 s 7.

**NEW SECTION. Sec. 7.** Sections 1 through 3 of this act constitute a new chapter in Title 48 RCW."

Correct the title.

Signed by Representatives Kirby, Chair; Ryu, Vice Chair; Vick, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Blake; Hurst; Kochmar; McCabe; Santos and Stanford.

Passed to Committee on Rules for second reading.

March 31, 2015

SB 5689 Prime Sponsor, Senator Becker: Concerning the scope and costs of the diabetes epidemic in Washington. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The health care authority, department of social and health services, and department of health shall continue to collaborate to identify goals and benchmarks

while also developing individual agency plans to implement recommendations to reduce the incidence of diabetes in Washington, improve diabetes care, and control complications associated with diabetes, starting with medicaid programs and the healthier Washington plan.

**NEW SECTION. Sec. 2.** Following the report submitted pursuant to section 211(3), chapter 4, Laws of 2013 2nd sp. sess., the health care authority, department of social and health services, and department of health shall collectively submit a report to the governor and the legislature by December 31, 2018, and every fourth year thereafter, on the following:

(1) The financial impact and reach diabetes of all types is having on programs administered by each agency and individuals enrolled in those programs;

(2) An assessment of the benefits of implemented programs and activities aimed at controlling diabetes and preventing the disease;

(3) A description of the level of coordination existing between the agencies on activities, programmatic activities, and messaging on managing, treating, or preventing all forms of diabetes and its complications;

(4) A development or revision of detailed action plans for battling diabetes with a range of actionable items for consideration by the legislature. The plans must identify proposed action steps to reduce the impact of diabetes, prediabetes, and related diabetes complications, especially for medicaid populations; and

(5) An estimate of costs, return on investment, and resources required to implement the plan identified in subsection (4) of this section.

**NEW SECTION. Sec. 3.** Sections 1 and 2 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Referred to Committee on Appropriations.

March 31, 2015

SSB 5719 Prime Sponsor, Committee on Higher Education: Creating a task force on campus sexual violence prevention. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The Washington student achievement council, the state board for community and technical colleges, the council of presidents, the institutions of higher education, the private independent higher education institutions, state law enforcement, and the Washington attorney general's office shall collaborate to carry out the following goals:

(a) Develop a set of best practices that institutions of higher education and private independent higher education institutions may employ to promote the awareness of campus sexual violence, reduce the occurrence of campus sexual violence, and enhance student safety;

(b) Develop recommendations for institutions of higher education and private independent higher education institutions for improving institutional campus sexual violence policies and procedures; and

(c) Develop recommendations for improving collaboration on campus sexual violence issues among institutions of higher education and between institutions of higher education and law enforcement.

(2) The task force on preventing campus sexual violence is established.

(a) The task force includes the following members:

(i) One representative from the student achievement council;

(ii) One representative from the state board for community and technical colleges;

(iii) One representative from the council of presidents;

(iv) One representative from each of the state universities, the regional universities, and the state college, who is the Title IX coordinator or who has expertise with Title IX and sexual violence prevention efforts;

(v) One representative from the Washington association of sheriffs and police chiefs;

(vi) One representative from the independent colleges of Washington;

(vii) One representative from the nonprofit community who is an advocate for sexual assault victims;

(viii) One representative from the Washington state attorney general's office; and

(ix) One representative from the Washington association of prosecuting attorneys.

(b) The task force shall select a coordinator to facilitate its progress.

(c) The purpose of the task force is to coordinate and implement the goals in subsection (1) of this section.

(3) The task force shall report to the legislature and the institutions of higher education on its goals and recommendations annually by December 31st.

(4) For the purposes of this section, "institutions of higher education" has the same meaning as in RCW 28B.10.016.

(5) To select the representative from the nonprofit community, as required by subsection (2)(a)(vii) of this section, the student achievement council shall issue a request for interest to nonprofit communities that are sexual assault victim advocates, asking who wishes to participate on the task force as a volunteer. The names and resumes, including experience participating in similar efforts, of proposed task force members must be submitted to the student achievement council. The student achievement council shall give this information to the task force and the task force chairs must select the representative from this pool of candidates.

(6) This section expires July 1, 2017."

Correct the title.

Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Gregory; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Passed to Committee on Rules for second reading.

March 31, 2015

SB 5746 Prime Sponsor, Senator Bailey: Including Everett Community College as an aerospace training or educational program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Gregory; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Referred to Committee on Appropriations.

March 31, 2015

SB 5783 Prime Sponsor, Senator Rivers: Authorizing peace officers to assist the department of corrections with the supervision of offenders. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.94A RCW to read as follows:

(1) To the extent that funds are specifically appropriated for this purpose, the department must establish a pilot program in a county with four hundred thousand or more residents that borders the Columbia river to increase communication and cooperation among department of corrections' community supervision staff and general authority peace officers in order to promote and increase accountability of supervised offenders and the safety of the public.

(2) The pilot program must provide that a sufficient number of department duty officers be available outside of normal business hours for the purpose of responding to the inquiries of general authority peace officers regarding supervised offenders believed to have violated a condition or requirement of community supervision.

(3) The duty officers referred to in subsection (2) of this section must have the ability to determine whether a person is a supervised offender and the conditions and requirements of the offender's community supervision, and must be able to determine whether a possible violation of community supervision has occurred. If a general authority peace officer believes a violation has occurred, the duty officer must also be able to respond in a timely manner to the location of the inquiring general authority peace officer when the duty officer determines that there is reasonable cause to believe that the offender is in violation of one or more conditions or requirements of supervision and that the violation merits either a warrantless arrest or search of the supervised offender. If requested, the general authority peace officer may assist a duty officer in the arrest or search of the offender.

(4) If a duty officer determines under subsection (3) of this section that it is appropriate to arrest or search an offender for a supervision violation, a general authority peace officer may detain an offender for the length of time necessary to allow the duty officer to timely respond to the location of the peace officer.

(5) Nothing in this section prevents a peace officer from arresting an offender pursuant to a warrant or pursuant to RCW 10.31.100.

(6) The pilot program must be operational by October 1, 2015.

(7) This section expires October 1, 2017."

Correct the title.

Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Appleton; Moscoso and Pettigrew.

MINORITY recommendation: Without recommendation. Signed by Representatives Hayes, Assistant Ranking Minority Member; Griffey and Wilson.

Referred to Committee on Appropriations.

SJM 8012 March 30, 2015  
Prime Sponsor, Senator Hargrove: Requesting the designation of U.S. Highway 101 to honor recipients of the Medal of Honor. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Bergquist; Gregerson; Harmsworth; Hayes; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Sells; Shea; Takko; Tarleton; Wilson; Young and Zeiger.

Passed to Committee on Rules for second reading.

## SECOND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

HB 1106 March 31, 2015  
Prime Sponsor, Representative Hunter: Making 2015-2017 operating appropriations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Ormsby, Vice Chair; Carlyle; Cody; Dunshee; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Pettigrew; Sawyer; Senn; Springer; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Condotta; Dent; Fagan; Haler; Hunt, G.; MacEwen; Magendanz; Schmick; Stokesbary; Taylor and Van Werven.

Referred to Committee on .

HB 1115 March 31, 2015  
Prime Sponsor, Representative Dunshee: Concerning the capital budget. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended. Signed by Representatives Dunshee, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson; Riccelli and Walsh.

Referred to Committee on .

HB 1645 March 30, 2015  
Prime Sponsor, Representative Pollet: Concerning youth substance use prevention associated with tobacco and drug delivery e-cigarettes and vapor products. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Blake; Kirby and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Scott and Vick.

Referred to Committee on Appropriations.

HB 2136 March 31, 2015  
Prime Sponsor, Representative Carlyle: Relating to comprehensive marijuana market reforms to ensure a well-regulated and taxed marijuana market in Washington state. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Finance. Signed by Representatives Hunter, Chair; Ormsby, Vice Chair; Carlyle; Cody; Condotta; Dunshee; Haler; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Magendanz; Pettigrew; Sawyer; Schmick; Senn; Springer; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Dent; Fagan; Hunt, G. and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen; Stokesbary and Van Werven.

Passed to Committee on Rules for second reading.

ESB 5014 April 1, 2015  
Prime Sponsor, Senator Honeyford: Concerning best practices for water banks. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Chandler; Hurst; Pettigrew; Stanford and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Assistant Ranking Minority Member and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunshee and Orcutt.

Passed to Committee on Rules for second reading.

SB 5024 March 31, 2015  
Prime Sponsor, Senator Benton: Making conforming amendments made necessary by reorganizing and streamlining central service functions, powers, and duties of state government. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hudgins, Chair; Senn, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; McCabe; Morris and Takko.

Passed to Committee on Rules for second reading.

March 31, 2015

SSB 5073 Prime Sponsor, Committee on Government Operations & Security: Concerning nonsubstantive updates and realignments of the statutory responsibilities of the office of financial management. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hudgins, Chair; Senn, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; McCabe; Morris and Takko.

Referred to Committee on Appropriations.

April 1, 2015

SSB 5081 Prime Sponsor, Committee on Ways & Means: Increasing transparency of state government expenditures related to state employees, state vendors and other public entities. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Appleton and Gregory.

MINORITY recommendation: Do not pass. Signed by Representatives Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member and Hawkins.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5094 Prime Sponsor, Senator Brown: Allowing incremental electricity produced as a result of efficiency improvements to hydroelectric generation projects whose energy output is marketed by the Bonneville power administration to qualify as an eligible renewable resource under the energy independence act. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Harmsworth; Magendanz; Nealey; Ryu; Santos; Wylie and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Tarleton, Vice Chair and Hudgins.

Passed to Committee on Rules for second reading.

March 31, 2015

SB 5100 Prime Sponsor, Senator Hobbs: Concerning the processing of certain motor vehicle-related violations applicable to rental cars. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member;

Bergquist; Gregerson; Harmsworth; Hayes; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Sells; Shea; Takko; Tarleton; Wilson; Young and Zeiger.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5101 Prime Sponsor, Senator Padden: Modifying mental status evaluation provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Stokesbary and Walkinshaw.

Passed to Committee on Rules for second reading.

April 1, 2015

ESB 5111 Prime Sponsor, Senator Brown: Concerning projects of statewide significance for economic development and transportation. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Harmsworth; Magendanz; Nealey; Santos; Wylie and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Hudgins and Ryu.

Passed to Committee on Rules for second reading.

April 1, 2015

SSB 5113 Prime Sponsor, Committee on Energy, Environment & Telecommunications: Requiring the department of commerce to coordinate and advance the siting and manufacturing of small modular reactors in the state to meet future energy supply, environmental, and energy security needs. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Harmsworth; Magendanz; Nealey; Santos; Wylie and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Hudgins and Ryu.

Referred to Committee on Appropriations.

March 31, 2015

SB 5119 Prime Sponsor, Senator Angel: Providing authority for two or more nonprofit corporations to participate in a joint self-insurance program covering property or liability risks. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Senn, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; McCabe; Morris and Takko.

Passed to Committee on Rules for second reading.

SB 5125 April 1, 2015  
Prime Sponsor, Senator Padden: Increasing district court civil jurisdiction. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 3.66.020 and 2008 c 227 s 1 are each amended to read as follows:

If, for each claimant, the value of the claim or the amount at issue does not exceed (~~seventy-five~~) one hundred thousand dollars, exclusive of interest, costs, and attorneys' fees, the district court shall have jurisdiction and cognizance of the following civil actions and proceedings:

- (1) Actions arising on contract for the recovery of money;
- (2) Actions for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same and actions to recover the possession of personal property;
- (3) Actions for a penalty;
- (4) Actions upon a bond conditioned for the payment of money, when the amount claimed does not exceed fifty thousand dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;
- (5) Actions on an undertaking or surety bond taken by the court;
- (6) Actions for damages for fraud in the sale, purchase, or exchange of personal property;
- (7) Proceedings to take and enter judgment on confession of a defendant;
- (8) Proceedings to issue writs of attachment, garnishment and replevin upon goods, chattels, moneys, and effects;
- (9) Actions arising under the provisions of chapter 19.190 RCW;
- (10) Proceedings to civilly enforce any money judgment entered in any municipal court or municipal department of a district court organized under the laws of this state; and
- (11) All other actions and proceedings of which jurisdiction is specially conferred by statute, when the title to, or right of possession of, real property is not involved."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Stokesbary and Walkinshaw.

Passed to Committee on Rules for second reading.

SB 5139 April 1, 2015  
Prime Sponsor, Senator Roach: Concerning building code standards for certain buildings four or more stories high. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Takko, Chair; Gregerson, Vice Chair; Fitzgibbon; McBride and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member and Pike.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

SB 5144 April 1, 2015  
Prime Sponsor, Senator Dammeier: Requiring all meetings of the Robert Bree collaborative to be subject to the open public meetings act. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Appleton; Gregory and Hawkins.

Passed to Committee on Rules for second reading.

ESB 5153 April 1, 2015  
Prime Sponsor, Senator Billig: Increasing transparency of campaign contributions. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Appleton; Gregory and Hawkins.

MINORITY recommendation: Do not pass. Signed by Representative Van Werven, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

SB 5174 March 31, 2015  
Prime Sponsor, Senator Bailey: Increasing the number of district court judges in Skagit county. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Senn, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; McCabe; Morris and Takko.

Passed to Committee on Rules for second reading.

E2SSB 5177 April 1, 2015  
Prime Sponsor, Committee on Ways & Means: Improving timeliness of competency evaluation and restoration services. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Stokesbary and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Shea, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 25, 2015

SB 5210 Prime Sponsor, Senator Bailey: Authorizing an optional life annuity benefit for members of the Washington state patrol retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Carlyle; Cody; Condotta; Dent; Dunshee; Fagan; Haler; Hansen; Hudgins; Hunt, G.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Taylor; Tharinger; Van Werven and Walkinshaw.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5233 Prime Sponsor, Senator Sheldon: Concerning notice against trespass. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Stokesbary and Walkinshaw.

Passed to Committee on Rules for second reading.

March 31, 2015

ESB 5251 Prime Sponsor, Senator Honeyford: Transferring public water system financial assistance activities from the public works board and the department of commerce to the department of health. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Senn, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; McCabe; Morris and Takko.

Referred to Committee on Capital Budget.

April 1, 2015

ESB 5262 Prime Sponsor, Senator O'Ban: Releasing juvenile case records to the Washington state office of civil legal aid. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.50.010 and 2014 c 175 s 2 and 2014 c 117 s 5 are each reenacted and amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney,

defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of the family and children's ombuds, the department of social and health services and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case;

(d) "Social file" means the juvenile court file containing the records and reports of the probation counselor.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) The court shall release to the caseload forecast council the records needed for its research and data-gathering functions. Access to caseload forecast data may be permitted by the council for research purposes only if the anonymity of all persons mentioned in the records or information will be preserved.

(10) Juvenile detention facilities shall release records to the caseload forecast council upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

(11) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the legislative children's oversight committee or the office of the family and children's ombuds.

(12) For the purpose of research only, the administrative office of the courts shall maintain an electronic research copy of all records in the judicial information system related to juveniles. Access to the research copy is restricted to the Washington state center for court research. The Washington state center for court research shall maintain the confidentiality of all confidential records and shall preserve the anonymity of all persons identified in the research copy. The research copy may not be subject to any records retention schedule and must include records destroyed or removed from the judicial information system pursuant to RCW 13.50.270 and 13.50.100(3).

(13) The court shall release to the Washington state office of public defense records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.70.020. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of public defense. The Washington state office of public defense shall maintain the confidentiality of all confidential information included in the records.

(14) The court shall release to the Washington state office of civil legal aid records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.53.045. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of civil legal aid. The Washington state office of civil legal aid shall maintain the confidentiality of all confidential information included in the records, and shall, as soon as possible, destroy any retained notes or records obtained under this section that are not necessary for its functions related to RCW 2.53.045."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Stokesbary and Walkinshaw.

Passed to Committee on Rules for second reading.

ESSB 5267 April 1, 2015  
Prime Sponsor, Committee on Government Operations & Security: Ordering development of processes to allow prerecorded video testimony and written testimony on pending legislation. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Appleton; Gregory and Hawkins.

Passed to Committee on Rules for second reading.

March 31, 2015  
SB 5288 Prime Sponsor, Senator Braun: Concerning expiration dates related to real estate broker provisions. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hudgins, Chair; Senn, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; McCabe; Morris and Takko.

Passed to Committee on Rules for second reading.

April 1, 2015  
SSB 5298 Prime Sponsor, Committee on Agriculture, Water & Rural Economic Development: Concerning the diversion of certain municipal waters. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Representatives Blake, Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Orcutt; Pettigrew; Schmick and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Lytton, Vice Chair and Stanford.

MINORITY recommendation: Without recommendation. Signed by Representative Dunshee.

Passed to Committee on Rules for second reading.

March 31, 2015  
SB 5314 Prime Sponsor, Senator Benton: Modifying the use of local storm water charges paid by the department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Bergquist; Gregerson; Harmsworth; Hayes; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Sells; Shea; Takko; Tarleton; Wilson; Young and Zeiger.

Passed to Committee on Rules for second reading.

April 1, 2015  
ESSB 5347 Prime Sponsor, Committee on Ways & Means: Creating demonstration projects for preserving agricultural land and public infrastructure in flood plains. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature intends for the state conservation commission and the departments of ecology, agriculture, fish and wildlife, and natural resources to work together cooperatively, efficiently, and productively to facilitate the intent of this act.

(2) The legislature further intends that the collaborative process created by the stakeholder group required in section 3 of this act, including the participation of local stakeholders, will be used as a model for river management throughout the state.

(3) The legislature finds that floodplain management must address multiple benefits including:

- (a) Reducing flood hazard to public infrastructure and other land uses caused by sediment accumulation or for other causes;
- (b) Improving fish and wildlife habitat;
- (c) Sustaining agriculture; and
- (d) Maintaining and enhancing public access.

**NEW SECTION. Sec. 2.** (1) The state conservation commission and the departments of agriculture, natural resources, fish and wildlife, and ecology must jointly identify and assess three demonstration projects. One demonstration project must be located primarily in Whatcom county, one must be located primarily in Snohomish county, and one must be located primarily in Grays Harbor county.

(2) The demonstration projects must be designed to test the effectiveness and costs of river management by using various management strategies and techniques, as applied, to accomplish the following goals:

- (a) Protection of agricultural lands;
- (b) Restoration or enhancement of fish runs; and
- (c) Protection of public infrastructure and recreational access.

(3) In developing the demonstration projects, the state conservation commission and the departments must, in consultation with the stakeholder group required by section 3 of this act:

(a) Examine studies and reports related to sediment management conducted in the Fraser river, British Columbia, Canada, to assess whether and how the Fraser river experience applies to the goals of this section, and include any potentially applicable practices in the development of the demonstration projects; and

(b) Set benchmarks and a timetable for progress toward achievement of the goals of this act.

(4) The development and assessment of the demonstration projects must also consider the disposition of any state-owned gravel resources removed as a result of the demonstration projects. The presumed disposition must be consistent with chapter 79.140 RCW. However, the process for developing and assessing the pilot project may consider:

(a) Using the gravel resources, at the discretion of the departments, in projects related to fish enhancement programs in the local area of the project or by property owners adjacent to the project;

(b) Making gravel resources available to local tribes for their use; or

(c) Selling the gravel resources and using the proceeds to fund the demonstration projects.

(5) At a minimum, the demonstration projects must be designed to collectively examine the following management strategies and techniques:

- (a) Providing deeper, cooler holes for fish life;
- (b) Removing excess sediment and gravel that causes diversion of water and erosion of river banks and farmland;
- (c) Providing off-channels for habitat as refuge during high flows;
- (d) Ensuring that any management activities leave sufficient gravel and sediment for fish spawning and rearing;
- (e) Providing stable river banks that will allow for long-term growth of riparian enhancement efforts, such as planting shade trees and hedgerows;
- (f) Protecting existing mature treed riparian zones that cool the waters;

(g) Restoring previously existing bank contours that protect the land from erosion caused by more intense and more frequent flooding;

(h) Developing management practices that reduce the amount of gravel, sediment, and woody debris deposited into farm fields; and

(i) Setting back levees and other measures in segments of rivers upstream from the delta to accommodate high flow.

**NEW SECTION. Sec. 3.** (1) The state conservation commission must convene a stakeholder group to assist in the development and assessment of the demonstration projects required under section 2 of this act.

(2) The stakeholder group must consist of representatives from:

- (a) The departments of agriculture, natural resources, fish and wildlife, and ecology;
- (b) Local and statewide agricultural organizations;
- (c) Land conservation organizations; and
- (d) Local governments with interest and experience in floodplain management techniques.

(3) In addition to the participants on the stakeholder group, the state conservation commission and the departments responsible for implementing section 2 of this act must also consult with, and obtain the views of, any federally recognized tribe that may be affected by each demonstration project.

(4) The stakeholder group required by this section must be staffed by the state conservation commission with assistance, as requested, from the departments responsible for implementing section 2 of this act.

(5) Each member of the stakeholder group not employed by the state of Washington shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(6) Any costs for the implementation of this section, including the participation costs for nonagency participants, must be shared among the agencies responsible for implementing this act. The state conservation commission shall coordinate and manage these costs through interagency agreements with all of the affected agencies.

**NEW SECTION. Sec. 4.** (1) The state conservation commission and the departments responsible for implementing section 2 of this act must submit a report to the legislature, consistent with RCW 43.01.036, by October 31, 2016.

(2) The report must include:

(a) An examination and findings of the applicability of the Fraser river experience to the goals of this act;

(b) Information regarding the benchmarks and timetables required under section 2 of this act;

(c) Any decisions made in developing and assessing the projects required in this section;

(d) Any recommendations for extending or changing the process required in section 2 of this act or moving into the demonstration project implementation phase; and

(e) Any recommendations for funding the implementation of demonstration projects from federal grants, federal loans, state grants and loans, and private donations, or if other funding sources are not available or complete, the submission of the three demonstration projects for consideration in the biennial capital budget request to the governor and the legislature.

**NEW SECTION. Sec. 5.** If funding is identified for the implementation of the demonstration projects developed under section 2 of this act from sources other than specific state appropriations, and the implementation of the demonstration projects can occur within the existing authority of all affected parties, the legislature intends for the state conservation commission and the departments responsible for implementing

section 2 of this act to coordinate with the stakeholder group required in section 3 of this act to cooperatively, efficiently, and productively initiate the implementation of the demonstration projects, including the joint and contemporaneous expediting of any necessary permits related to the demonstration projects.

NEW SECTION. Sec. 6. All requirements in this act are subject to the availability of amounts appropriated for the specific purposes described.

NEW SECTION. Sec. 7. This act expires July 1, 2017."  
Correct the title.

Signed by Representatives Blake, Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Dunshee; Hurst; Orcutt; Pettigrew; Schmick and Stanford.

MINORITY recommendation: Do not pass. Signed by Representatives Lytton, Vice Chair and Van De Wege.

Referred to Committee on General Government & Information Technology.

April 1, 2015  
SB 5387 Prime Sponsor, Senator Pedersen: Creating uniformity in common provisions governing business organizations and other entities. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Stokesbary and Walkinshaw.

Passed to Committee on Rules for second reading.

April 1, 2015  
SB 5395 Prime Sponsor, Senator Roach: Modifying exemptions relating to real estate appraisals. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Appleton and Gregory.

MINORITY recommendation: Without recommendation. Signed by Representative Hawkins.

Passed to Committee on Rules for second reading.

April 1, 2015  
SB 5396 Prime Sponsor, Senator Roach: Exempting information of guardians or family members of children enrolled in child care, early learning, parks and recreation, after-school, and youth development programs. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Appleton; Gregory and Hawkins.

Passed to Committee on Rules for second reading.

April 1, 2015  
SSB 5411 Prime Sponsor, Committee on Government Operations & Security: Providing liability immunity for local jurisdictions when wheeled all-terrain vehicles are operated on public roadways. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Stokesbary and Walkinshaw.

Passed to Committee on Rules for second reading.

March 25, 2015  
SB 5466 Prime Sponsor, Senator Becker: Clarifying employee eligibility for benefits from the public employees' benefits board and conforming the eligibility provisions with federal law. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Carlyle; Cody; Dunshee; Fagan; Haler; Hansen; Hudgins; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Buys; Hunt, G.; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta and Dent.

Passed to Committee on Rules for second reading.

April 1, 2015  
SB 5482 Prime Sponsor, Senator Roach: Addressing the disclosure of global positioning system data by law enforcement officers. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Appleton; Gregory and Hawkins.

Passed to Committee on Rules for second reading.

April 1, 2015  
SB 5491 Prime Sponsor, Senator Parlette: Maintaining reservations of water for certain future uses. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Dunshee; Hurst; Pettigrew; Stanford and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt and Schmick.

Passed to Committee on Rules for second reading.

April 1, 2015  
ESB 5524 Prime Sponsor, Senator Sheldon: Enhancing the employment of persons with disabilities. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Appleton; Gregory and Hawkins.

Passed to Committee on Rules for second reading.

April 1, 2015  
SSB 5538 Prime Sponsor, Committee on Financial Institutions & Insurance: Concerning procedures and requirements relating to the death of a tenant. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman; Hansen; Kirby; Muri; Orwall; Stokesbary and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member; Haler and Klippert.

Passed to Committee on Rules for second reading.

March 31, 2015  
E2SSB 5564 Prime Sponsor, Committee on Ways & Means: Concerning the sealing of juvenile records and fines imposed in juvenile cases. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & Human Services. Signed by Representatives Hudgins, Chair; Senn, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; McCabe; Morris and Takko.

Passed to Committee on Rules for second reading.

April 1, 2015  
SB 5587 Prime Sponsor, Senator Becker: Authorizing funding and expenditures for the hosting of the annual conference of the national association of state treasurers. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Appleton; Gregory and Hawkins.

Passed to Committee on Rules for second reading.

April 1, 2015  
ESSB 5607 Prime Sponsor, Committee on Human Services, Mental Health & Housing: Concerning the complaint procedure for the modification or

termination of guardianship. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 11.88.120 and 1991 c 289 s 7 are each amended to read as follows:

(1) At any time after establishment of a guardianship or appointment of a guardian, the court may, upon the death of the guardian or limited guardian, or, for other good reason, modify or terminate the guardianship or replace the guardian or limited guardian(;

~~(2) Any person, including an incapacitated person, may apply to the court for an order to modify or terminate a guardianship or to replace a guardian or limited guardian. If applicants are represented by counsel, counsel shall move for an order to show cause why the relief requested should not be granted. If applicants are not represented by counsel, they may move for an order to show cause, or they may deliver a written request to the clerk of the court.~~

~~(3) By the next judicial day after receipt of an unrepresented person's request to modify or terminate a guardianship order, or to replace a guardian or limited guardian, the clerk shall deliver the request to the court. The court may (a) direct the clerk to schedule a hearing, (b) appoint a guardian ad litem to investigate the issues raised by the application or to take any emergency action the court deems necessary to protect the incapacitated person until a hearing can be held, or (c) deny the application without scheduling a hearing, if it appears based on documents in the court file that the application is frivolous. Any denial of an application without a hearing shall be in writing with the reasons for the denial explained. A copy of the order shall be mailed by the clerk to the applicant, to the guardian, and to any other person entitled to receive notice of proceedings in the matter. Unless within thirty days after receiving the request from the clerk the court directs otherwise, the clerk shall schedule a hearing on the request and mail notice to the guardian, the incapacitated person, the applicant, all counsel of record, and any other person entitled to receive notice of proceedings in the matter.~~

~~(4) In a hearing on an application to modify or terminate a guardianship, or to replace a guardian or limited guardian, the court may grant such relief as it deems just and in the best interest of the incapacitated person.~~

~~(5)) or modify the authority of a guardian or limited guardian. Such action may be taken based on the court's own motion, based on a motion by an attorney for a person or entity, based on a motion of a person or entity representing themselves, or based on a written complaint, as described in this section. The court may grant relief under this section as it deems just and in the best interest of the incapacitated person. For any hearing to modify or terminate a guardianship, the incapacitated person shall be given reasonable notice of the hearing and of the incapacitated person's right to be represented at the hearing by counsel of his or her own choosing.~~

(2)(a) An unrepresented person or entity may submit a complaint to the court. Complaints must be addressed to one of the following designees of the court: The clerk of the court having jurisdiction in the guardianship, the court administrator, or the guardianship monitoring program, and must identify the complainant and the incapacitated person who is the subject of the guardianship. The complaint must also provide the complainant's address, the case number (if available), and the address of the incapacitated person (if available). The complaint must state facts to support the claim.

(b) By the next judicial day after receipt of a complaint from an unrepresented person, the court's designee must ensure the original complaint is filed and deliver the complaint to the court.

(c) Within fourteen days of being presented with a complaint, the court must enter an order to do one or more of the following actions:

(i) To show cause, with fourteen days' notice, directing the guardian to appear at a hearing set by the court in order to respond to the complaint;

(ii) To appoint a guardian ad litem to investigate the issues raised by the complaint or to take any emergency action the court deems necessary to protect the incapacitated person until a hearing can be held;

(iii) To dismiss the complaint without scheduling a hearing, if it appears to the court that the complaint: Is without merit on its face; is filed in other than good faith; is filed for an improper purpose; regards issues that have already been adjudicated; or is frivolous. In making a determination, the court may review the matter and consider previous behavior of the complainant that is documented in the guardianship record;

(iv) To direct the guardian to provide, in not less than fourteen days, a written report to the court on the issues raised in the complaint;

(v) To defer consideration of the complaint until the next regularly scheduled hearing in the guardianship, if the date of that hearing is within the next three months, provided that there is no indication that the incapacitated person will suffer physical, emotional, financial, or other harm as a result of the court's deferral of consideration;

(vi) To order other action, in the court's discretion, in addition to doing one or more of the actions set out in this subsection.

(d) If after consideration of the complaint, the court believes that the complaint is made without justification or for reason to harass or delay or with malice or other bad faith, the court has the power to levy necessary sanctions, including but not limited to the imposition of reasonable attorney fees, costs, fees, striking pleadings, or other appropriate relief.

(3) The court may order persons who have been removed as guardians to deliver any property or records belonging to the incapacitated person in accordance with the court's order. Similarly, when guardians have died or been removed and property or records of an incapacitated person are being held by any other person, the court may order that person to deliver it in accordance with the court's order. Disobedience of an order to deliver shall be punishable as contempt of court.

(4) The administrative office of the courts must develop and prepare in consultation with interested persons, a model form for the complaint described in subsection (2)(a) of this section and a model form for the order that must be issued by the court under subsection (2)(c) of this section.

(5) The board may send a grievance it has received regarding an active guardian case to the court's designee with a request that the court review the grievance and take any action the court deems necessary. This type of request from the board must be treated as a complaint under this section and the person who sent the complaint must be treated as the complainant. The court must direct the clerk to transmit a copy of its order to the board. The board must consider the court order when taking any further action and note the court order in any final determination.

(6) In any court action under this section that involves a professional guardian, the court must direct the clerk of the court to send a copy of the order entered under this section to the board.

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

(a) "Board" means the certified professional guardianship board.

(b) "Complaint" means a written submission by an unrepresented person or entity, who is referred to as the complainant."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Goodman; Hansen; Kirby; Orwall and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member; Haler and Klippert.

MINORITY recommendation: Without recommendation. Signed by Representatives Rodne, Ranking Minority Member; Muri and Stokesbary.

Passed to Committee on Rules for second reading.

March 31, 2015

SSB 5631 Prime Sponsor, Committee on Human Services, Mental Health & Housing: Concerning the administration of a statewide network of community-based domestic violence victim services by the department of social and health services. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.123.010 and 1979 ex.s. c 245 s 1 are each amended to read as follows:

(1) The legislature finds that domestic violence is an issue of ~~((growing))~~ serious concern at all levels of society and government and that there is a ~~((present and growing))~~ pressing need ~~((to develop))~~ for innovative strategies to address and prevent domestic violence and to strengthen services which will ameliorate and reduce the trauma of domestic violence and enhance survivors' resiliency and autonomy. ~~((Research findings show that domestic violence constitutes a significant percentage of homicides, aggravated assaults, and assaults and batteries in the United States. Domestic violence is a disruptive influence on personal and community life and is often interrelated with a number of other family problems and stresses.))~~

(2) The legislature finds that there are a wide range of consequences to domestic violence, including deaths, injuries, hospitalizations, homelessness, employment problems, property damage, and lifelong physical and psychological impacts on victims and their children. These impacts also affect victims' friends and families, neighbors, employers, landlords, law enforcement, the courts, the health care system, and Washington state and society as a whole. Advocacy and shelters for victims of domestic violence are essential to provide ~~((protection))~~ support to victims ~~((from))~~ in preventing further abuse ~~((and physical harm))~~ and to help ~~((the victim find))~~ victims assess and plan for their immediate and longer term safety, including finding long-range alternative living situations, if requested. ~~((Shelters provide safety, refuge, advocacy, and helping resources to victims who may not have access to such things if they remain in abusive situations.~~

The legislature therefore recognizes the need for the statewide development and expansion of shelters for victims of domestic violence.))

(3) Thus, it is the intent of the legislature to:

(a) Provide for a statewide network of supportive services, emergency shelter services, and advocacy for victims of domestic violence and their dependents;

(b) Provide for culturally relevant and appropriate services for victims of domestic violence and their children from populations that have been traditionally unserved or underserved;

(c) Provide for a statewide domestic violence information and referral resource;

(d) Assist communities in efforts to increase public awareness about, and primary and secondary prevention of domestic violence;

(e) Provide for the collection, analysis, and dissemination of current information related to emerging issues and model and promising practices related to preventing and intervening in situations involving domestic violence; and

(f) Provide for ongoing training and technical assistance for individuals working with victims in community-based domestic violence programs and other persons seeking such training and technical assistance.

**Sec. 2.** RCW 70.123.020 and 2008 c 6 s 303 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Shelter" means ~~((a place of temporary refuge, offered on a twenty-four hour, seven-day per week basis))~~ temporary lodging and supportive services, offered by community-based domestic violence programs to victims of domestic violence and their children.

(2) "Domestic violence" ~~((is))~~ means the infliction or threat of physical harm against an intimate partner, and includes physical, sexual, and psychological abuse against the partner, and is a part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner. It may include, but is not limited to, a categorization of offenses, as defined in RCW 10.99.020, committed by one ((cohabitant)) intimate partner against another.

(3) "Department" means the department of social and health services.

(4) "Victim" means ~~((a cohabitant))~~ an intimate partner who has been subjected to domestic violence.

(5) ~~((Cohabitant))~~ "Intimate partner" means a person who is or was married, in a state registered domestic partnership, or ~~((cohabiting with another person))~~ in an intimate or dating relationship with another person at the present or at sometime in the past. Any person who has one or more children in common with another person, regardless of whether they have been married, in a domestic partnership with each other, or lived together at any time, shall be treated as ~~((a cohabitant))~~ an intimate partner.

(6) "Community advocate" means a person employed or supervised by a ~~((local))~~ community-based domestic violence program who is trained to provide ongoing assistance ((to)) and advocacy for victims of domestic violence in assessing and planning for safety needs, ((documenting the incidents and the extent of violence for possible use in the legal system,)) making appropriate social service, legal, and housing referrals, ((and developing protocols and)) providing community education, maintaining ((ongoing)) contacts necessary for prevention efforts, and developing protocols for local systems coordination.

(7) "Domestic violence program" means an agency ~~((that provides shelter, advocacy, and counseling for domestic violence victims in a supportive environment)),~~ organization, or program with a primary purpose and a history of effective work in providing advocacy, safety assessment and planning, and self-help services for domestic violence in a supportive environment, and includes, but is not limited to, a community-based domestic

violence program, emergency shelter, or domestic violence transitional housing program.

(8) "Legal advocate" means a person employed by a domestic violence program or court system to advocate for victims of domestic violence, within the criminal and civil justice systems, by attending court proceedings, assisting in document and case preparation, and ensuring linkage with the community advocate.

(9) "Secretary" means the secretary of the department of social and health services or the secretary's designee.

(10) "Community-based domestic violence program" means a nonprofit program or organization that provides, as its primary purpose, assistance and advocacy for domestic violence victims. Domestic violence assistance and advocacy includes crisis intervention, individual and group support, information and referrals, and safety assessment and planning. Domestic violence assistance and advocacy may also include, but is not limited to: Provision of shelter, emergency transportation, self-help services, culturally specific services, legal advocacy, economic advocacy, community education, primary and secondary prevention efforts, and accompaniment and advocacy through medical, legal, immigration, human services, and financial assistance systems. Domestic violence programs that are under the auspices of, or the direct supervision of, a court, law enforcement or prosecution agency, or the child protective services section of the department as defined in RCW 26.44.020, are not considered community-based domestic violence programs.

(11) "Emergency shelter" means a place of supportive services and safe, temporary lodging offered on a twenty-four hour, seven-day per week basis to victims of domestic violence and their children.

(12) "Domestic violence coalition" means a statewide nonprofit domestic violence organization that has a membership that includes the majority of the primary purpose, community-based domestic violence programs in the state, has board membership that is representative of community-based, primary purpose domestic violence programs, and has as its purpose to provide education, support, and technical assistance to such community-based, primary purpose domestic violence programs and to assist the programs in providing shelter, advocacy, supportive services, and prevention efforts for victims of domestic violence and dating violence and their dependents.

**Sec. 3.** RCW 70.123.030 and 2005 c 374 s 4 are each amended to read as follows:

The department of social and health services, in consultation with ~~((the state department of health, and individuals or groups having experience and knowledge of the problems of victims of domestic violence))~~ relevant state departments, the domestic violence coalition, and individuals or groups having experience and knowledge of the prevention of, and the problems facing victims of domestic violence, including those with experience providing culturally appropriate services to populations that have traditionally been underserved or unserved, shall:

(1) Develop and maintain a plan for delivering domestic violence victim services, prevention efforts, and access to emergency shelter across the state. In developing the plan under this section, the department shall consider the distribution of community-based domestic violence programs and emergency shelter programs in a particular geographic area, population density, and specific population needs, including the needs in rural and urban areas, the availability and existence of domestic violence outreach and prevention activities, and the need for culturally and linguistically appropriate services. The department shall also develop and maintain a plan for providing a statewide toll-free information and referral hotline or other statewide accessible information and referral service for victims of domestic violence;

(2) Establish minimum standards for ((shelters)) community-based domestic violence programs, emergency shelter programs, programs providing culturally or linguistically specific services, programs providing prevention and intervention services to children or youth, and programs conducting domestic violence outreach and prevention activities applying for grants from the department under this chapter((--Classifications may be made dependent upon size, geographic location, and population needs));

((2)) (3) Receive grant applications for the development and establishment of ((shelters for victims of domestic violence)) community-based domestic violence programs, emergency shelter programs, and culturally or linguistically specific services for victims of domestic violence, programs providing prevention and intervention services to children who have been exposed to domestic violence or youth who have been victims of dating violence, and programs conducting domestic violence outreach and prevention activities;

((3)) (4) Distribute funds((-- within forty five days after approval,)) to those ((shelters)) community-based domestic violence programs, emergency shelter programs, programs providing culturally or linguistically specific services, programs providing prevention and intervention services to children or youth, and programs conducting domestic violence outreach and prevention activities meeting departmental standards;

((4)) (5) Evaluate biennially each ((shelter)) community-based domestic violence program, emergency shelter program, program providing culturally or linguistically specific services, program providing prevention and intervention services to children or youth, and program conducting domestic violence outreach and prevention activities receiving departmental funds for compliance with the established minimum standards;

((5)) (6) Review the minimum standards each biennium to ensure applicability to community and client needs; ((and

((6)) (7) Administer funds available from the domestic violence prevention account under RCW 70.123.150 ((and establish minimum standards for preventive, nonshelter community-based services receiving funds administered by the department. Preventive, nonshelter community-based services include services for victims of domestic violence from communities that have been traditionally underserved or unserved and services for children who have witnessed domestic violence)) to provide for:

(a) Culturally specific prevention efforts and culturally appropriate community-based domestic violence services for victims of domestic violence from populations that have been traditionally underserved or unserved;

(b) Age appropriate prevention and intervention services for children who have been exposed to domestic violence or youth who have been victims of dating violence; and

(c) Outreach and education efforts by community-based domestic violence programs designed to increase public awareness about, and primary and secondary prevention of, domestic and dating violence; and

(8) Receive applications from, and award grants or issue contracts to, eligible nonprofit groups or organizations with experience and expertise in the field of domestic violence and a statewide perspective for:

(a) Providing resources, ongoing training opportunities, and technical assistance relating to domestic violence for community-based domestic violence programs across the state to develop effective means for preventing domestic violence and providing effective and supportive services and interventions for victims of domestic violence;

(b) Providing resource information, technical assistance, and collaborating to develop model policies and protocols to improve the capacity of individuals, governmental entities, and

communities to prevent domestic violence and to provide effective, supportive services and interventions to address domestic violence; and

(c) Providing opportunities to persons working in the area of domestic violence to exchange information and resources.

**Sec. 4.** RCW 70.123.040 and 2006 c 259 s 3 are each amended to read as follows:

(1) The department shall establish minimum standards that ensure that community-based domestic violence programs provide client-centered advocacy and services designed to enhance immediate and longer term safety, victim autonomy, and security by means such as, but not limited to, safety assessment and planning, information and referral, legal advocacy, culturally and linguistically appropriate services, access to shelter, and client confidentiality.

(2) Minimum standards established by the department under RCW 70.123.030 shall ensure that emergency shelter((s)) programs receiving grants under this chapter provide services meeting basic survival needs, where not provided by other means, such as, but not limited to, food, clothing, housing, ((safety,)) emergency transportation, child care assistance, safety assessment and planning, and security((-- client advocacy, client confidentiality, and counseling)). Emergency shelters receiving grants under this chapter shall also provide client-centered advocacy and services designed to enhance client autonomy, client confidentiality, and immediate and longer term safety. These services shall be problem-oriented and designed to provide necessary assistance to the victims of domestic violence and their children.

((2) The department shall establish minimum standards that ensure that nonshelter community-based services for victims of domestic violence funded under RCW 70.123.150 provide services designed to enhance safety and security by means such as, but not limited to, client advocacy, client confidentiality, and counseling.))

(3) In establishing minimum standards for programs providing culturally relevant prevention efforts and culturally appropriate services, priority for funding must be given to agencies or organizations that have a demonstrated history and expertise of serving domestic violence victims from the relevant populations that have traditionally been underserved or unserved.

(4) In establishing minimum standards for age appropriate prevention and intervention services for children who have been exposed to domestic violence, or youth who have been victims of dating violence, priority for funding must be given to programs with a documented history of effective work in providing advocacy and services to victims of domestic violence or dating violence, or an agency with a demonstrated history of effective work with children and youth partnered with a domestic violence program.

**Sec. 5.** RCW 70.123.070 and 1979 ex.s. c 245 s 7 are each amended to read as follows:

((Shelters)) (1) Community-based domestic violence programs receiving state funds under this chapter shall:

(a) Provide a location to assist victims of domestic violence who have a need for community advocacy or support services;

(b) Make available confidential services, advocacy, and prevention programs to victims of domestic violence and to their children within available resources;

(c) Require that persons employed by or volunteering services for a community-based domestic violence program protect the confidentiality and privacy of domestic violence victims and their families in accordance with this chapter and RCW 5.60.060(8);

(d) Recruit, to the extent feasible, persons who are former victims of domestic violence to work as volunteers or staff personnel. An effort shall also be made to recruit staff and volunteers from relevant communities to provide culturally and linguistically appropriate services;

(e) Ensure that all employees or volunteers providing intervention or prevention programming to domestic violence victims or their children have completed or will complete sufficient training in connection with domestic violence; and

(f) Refrain from engaging in activities that compromise the safety of victims or their children.

(2) Emergency shelter programs receiving state funds under this chapter shall:

~~((1) Make available))~~ (a) Provide intake for and access to safe shelter services to any person who is a victim of domestic violence and to that person's children, within available resources. Priority for emergency shelter shall be made for victims who are in immediate risk of harm or imminent danger from domestic violence;

~~((2) Encourage victims, with the financial means to do so, to reimburse the shelter for the services provided;~~

~~((3))~~ (b) Require that persons employed by or volunteering services for an emergency shelter protect the confidentiality and privacy of domestic violence victims and their families in accordance with this chapter and RCW 5.60.060(8);

(c) Recruit, to the extent feasible, persons who are former victims of domestic violence to work as volunteers or staff personnel. An effort shall also be made to ((provide bilingual services)) recruit staff and volunteers from relevant communities to provide culturally and linguistically appropriate services;

~~((4) Provide prevention and treatment programs to victims of domestic violence, their children and, where possible, the abuser;~~

~~((5) Provide a day program or drop in center to assist victims of domestic violence who have found other shelter but who have a need for support services.))~~ (d) Ensure that all employees or volunteers providing intervention or prevention programming to domestic violence victims or their children have completed or will complete sufficient training in connection with domestic violence; and

(e) Refrain from engaging in activities that compromise the safety of victims or their children.

**Sec. 6.** RCW 70.123.075 and 1994 c 233 s 1 are each amended to read as follows:

(1) Client records maintained by domestic violence programs shall not be subject to discovery in any judicial proceeding unless:

(a) A written pretrial motion is made to a court stating that discovery is requested of the client's domestic violence records;

(b) The written motion is accompanied by an affidavit or affidavits setting forth specifically the reasons why discovery is requested of the domestic violence program's records;

(c) The court reviews the domestic violence program's records in camera to determine whether the domestic violence program's records are relevant and whether the probative value of the records is outweighed by the victim's privacy interest in the confidentiality of such records, taking into account the further trauma that may be inflicted upon the victim or the victim's children by the disclosure of the records; and

(d) The court enters an order stating whether the records or any part of the records are discoverable and setting forth the basis for the court's findings. The court shall further order that the parties are prohibited from further dissemination of the records or parts of the records that are discoverable, and that any portion of any domestic violence program records included in the court file be sealed.

(2) For purposes of this section, "domestic violence program" means a program that provides shelter, advocacy, or counseling services for domestic violence victims.

(3) Disclosure of domestic violence program records is not a waiver of the victim's rights or privileges under statutes, rules of evidence, or common law.

(4) If disclosure of a victim's records is required by court order, the domestic violence program shall make reasonable attempts to provide notice to the recipient affected by the disclosure, and shall take steps necessary to protect the privacy and safety of the persons affected by the disclosure of the information.

**Sec. 7.** RCW 70.123.080 and 1979 ex.s. c 245 s 8 are each amended to read as follows:

The department shall consult in all phases with key stakeholders in the implementation of this chapter, including relevant state departments, the domestic violence coalition, individuals or groups who have experience providing culturally appropriate services to populations that have traditionally been underserved or unserved, and other persons and organizations having experience and expertise in the field of domestic violence.

**Sec. 8.** RCW 70.123.090 and 1979 ex.s. c 245 s 9 are each amended to read as follows:

The department is authorized, under this chapter and the rules adopted to effectuate its purposes, to make available grants awarded on a contract basis to public or private nonprofit agencies, organizations, or individuals providing community-based domestic violence services, emergency shelter services, domestic violence hotline or information and referral services, and prevention efforts meeting minimum standards established by the department. Consideration as to need, geographic location, population ratios, the needs of specific underserved and cultural populations, and the extent of existing services shall be made in the award of grants. The department shall provide ~~((technical assistance))~~ consultation to any nonprofit organization desiring to apply for the contracts if the organization does not possess the resources and expertise necessary to develop and transmit an application without assistance.

**Sec. 9.** RCW 70.123.110 and 2011 1st sp.s. c 36 s 16 are each amended to read as follows:

Aged, blind, or disabled assistance benefits, essential needs and housing support benefits, pregnant women assistance benefits, or temporary assistance for needy families payments shall be made to otherwise eligible individuals who are residing in a secure shelter, a housing network, an emergency shelter, or other shelter facility which provides shelter services to persons who are victims of domestic violence. Provisions shall be made by the department for the confidentiality of the shelter addresses where victims are residing.

**Sec. 10.** RCW 70.123.150 and 2005 c 374 s 3 are each amended to read as follows:

The domestic violence prevention account is created in the state treasury. All receipts from fees imposed for deposit in the domestic violence prevention account under RCW 36.18.016 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for funding ~~((nonshelter community-based services for victims of domestic violence))~~ the following:

(1) Culturally specific prevention efforts and culturally appropriate community-based domestic violence services for victims of domestic violence from populations that have been traditionally underserved or unserved;

(2) Age appropriate prevention and intervention services for children who have been exposed to domestic violence or youth who have been victims of dating violence; and

(3) Outreach and education efforts by community-based domestic violence programs designed to increase public awareness about, and primary and secondary prevention of, domestic and dating violence.

**Sec. 11.** RCW 36.18.016 and 2009 c 417 s 2 are each amended to read as follows:

(1) Revenue collected under this section is not subject to division under RCW 36.18.025 or 27.24.070.

(2)(a) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, and any party filing a counterclaim, cross-claim, or third-party claim in any such action, a fee of thirty-six dollars must be paid.

(b) The party filing the first or initial petition for dissolution, legal separation, or declaration concerning the validity of marriage shall pay, at the time and in addition to the filing fee required under RCW 36.18.020, a fee of ~~((thirty))~~ fifty-four dollars. The clerk of the superior court shall transmit monthly ~~((twenty-four))~~ forty-eight dollars of the ~~((thirty))~~ fifty-four dollar fee collected under this subsection to the state treasury for deposit in the domestic violence prevention account. The remaining six dollars shall be retained by the county for the purpose of supporting community-based domestic violence services within the county ~~((for victims of domestic violence))~~, except for five percent of the six dollars, which may be retained by the court for administrative purposes. On or before December 15th of each year, the county shall report to the department of social and health services revenues associated with this section and community-based domestic violence services expenditures. The department of social and health services shall develop a reporting form to be utilized by counties for uniform reporting purposes.

(3)(a) The party making a demand for a jury of six in a civil action shall pay, at the time, a fee of one hundred twenty-five dollars; if the demand is for a jury of twelve, a fee of two hundred fifty dollars. If, after the party demands a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional one hundred twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(b) Upon conviction in criminal cases a jury demand charge of one hundred twenty-five dollars for a jury of six, or two hundred fifty dollars for a jury of twelve may be imposed as costs under RCW 10.46.190.

(4) For preparing a certified copy of an instrument on file or of record in the clerk's office, for the first page or portion of the first page, a fee of five dollars, and for each additional page or portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of two dollars for each additional seal affixed must be charged. For preparing a copy of an instrument on file or of record in the clerk's office without a seal, a fee of fifty cents per page must be charged. When copying a document without a seal or file that is in an electronic format, a fee of twenty-five cents per page must be charged. For copies made on a compact disc, an additional fee of twenty dollars for each compact disc must be charged.

(5) For executing a certificate, with or without a seal, a fee of two dollars must be charged.

(6) For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

(7) For filing a supplemental proceeding, a fee of twenty dollars must be charged.

(8) For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

(9) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of five dollars.

(10) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

(11) For clerk's services such as performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed thirty dollars per hour.

(12) For processing ex parte orders, the clerk may collect a fee of thirty dollars.

(13) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape or other electronic storage medium.

(14) For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of twenty dollars must be charged.

(15) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of two hundred dollars must be charged. When the extension of judgment is at the request of the clerk, the two hundred dollar charge may be imposed as court costs under RCW 10.46.190.

(16) A facilitator surcharge of up to twenty dollars must be charged as authorized under RCW 26.12.240.

(17) For filing ~~((a water rights statement))~~ an adjudication claim under RCW 90.03.180, a fee of twenty-five dollars must be charged.

(18) For filing a claim of frivolous lien under RCW 60.04.081, a fee of thirty-five dollars must be charged.

(19) For preparation of a change of venue, a fee of twenty dollars must be charged by the originating court in addition to the per page charges in subsection (4) of this section.

(20) A service fee of five dollars for the first page and one dollar for each additional page must be charged for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

(21) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.

(22) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.

(23) Investment service charge and earnings under RCW 36.48.090 must be charged.

(24) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.

(25) For filing a request for mandatory arbitration, a filing fee may be assessed against the party filing a statement of arbitrability not to exceed two hundred twenty dollars as established by authority of local ordinance. This charge shall be used solely to offset the cost of the mandatory arbitration program.

(26) For filing a request for trial de novo of an arbitration award, a fee not to exceed two hundred fifty dollars as established by authority of local ordinance must be charged.

(27) A public agency may not charge a fee to a law enforcement agency, for preparation, copying, or mailing of certified copies of the judgment and sentence, information, affidavit of probable cause, and/or the notice of requirement to register, of a sex offender convicted in a Washington court, when such records are necessary for risk assessment, preparation of a case for failure to register, or maintenance of a sex offender's registration file.

(28) For the filing of a will or codicil under the provisions of chapter 11.12 RCW, a fee of twenty dollars must be charged.

(29) For the collection of unpaid legal financial obligations, the clerk may impose an annual fee of up to one hundred dollars, pursuant to RCW 9.94A.780.

(30) A surcharge of up to twenty dollars may be charged in dissolution and legal separation actions as authorized by RCW 26.12.260.

The revenue to counties from the fees established in this section shall be deemed to be complete reimbursement from the state for the state's share of benefits paid to the superior court judges of the state prior to July 24, 2005, and no claim shall lie against the state for such benefits.

**Sec. 12.** RCW 43.235.020 and 2011 c 105 s 1 are each amended to read as follows:

(1) The department is authorized, subject to the availability of state funds, ((the department shall contract with)) to make available grants awarded on a contract basis to an entity with expertise in domestic violence policy and education and with a statewide perspective to gather and maintain data relating to and coordinate review of domestic violence fatalities.

(2) The coordinating entity shall be authorized to:

- (a) Convene regional review panels;
- (b) Convene statewide issue-specific review panels;
- (c) Gather information for use of regional or statewide issue-specific review panels;
- (d) Provide training and technical assistance to regional or statewide issue-specific review panels;
- (e) Compile information and issue reports with recommendations; and
- (f) Establish a protocol that may be used as a guideline for identifying domestic violence related fatalities, forming review panels, convening reviews, and selecting which cases to review. The coordinating entity may also establish protocols for data collection and preservation of confidentiality.

~~((2))~~ (3)(a) The coordinating entity may convene a regional or statewide issue-specific domestic violence fatality review panel to review any domestic violence fatality.

(b) Private citizens may request a review of a particular death by submitting a written request to the coordinating entity within two years of the death. Of these, the appropriate regional review panel may review those cases which fit the criteria set forth in the protocol for the project.

**Sec. 13.** RCW 43.235.040 and 2012 c 223 s 6 are each amended to read as follows:

(1) An oral or written communication or a document shared with the coordinating entity or within or produced by a domestic violence fatality review panel related to a domestic violence fatality review is confidential and not subject to disclosure or discoverable by a third party. An oral or written communication or a document provided by a third party to the coordinating entity or a domestic violence fatality review panel, or between a third party and a domestic violence fatality review panel, related to a domestic violence fatality review is confidential and not subject to disclosure or discovery by a third party. Notwithstanding the foregoing, recommendations from the domestic violence fatality review panel and the coordinating entity generally may be disclosed minus personal identifiers.

(2) The coordinating entity and review panels, only to the extent otherwise permitted by law or court rule, shall have access to information and records regarding the domestic violence victims and perpetrators under review held by domestic violence perpetrators' treatment providers; dental care providers; hospitals, medical providers, and pathologists; coroners and medical examiners; mental health providers; lawyers; the state and local governments; the courts; and employers. The coordinating entity and the review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

(3) The coordinating entity or review panels shall review, only to the extent otherwise permitted by law or court rule when determined to be relevant and necessary to an investigation, guardian ad litem reports, parenting evaluations, and victim impact statements; probation information; mental health evaluations done for court; presentence interviews and reports, and any recommendations made regarding bail and release on own recognizance; child protection services, welfare, and other information held by the department; any law enforcement incident documentation, such as incident reports, dispatch records, victim, witness, and suspect statements, and any supplemental reports, probable cause statements, and 911 call taker's reports; corrections and postsentence supervision reports; and any other information

determined to be relevant to the review. The coordinating entity and the review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

**Sec. 14.** RCW 10.99.080 and 2004 c 15 s 2 are each amended to read as follows:

(1) All superior courts, and courts organized under Title 3 or 35 RCW, may impose a penalty of one hundred dollars, plus an additional fifteen dollars on any person convicted of a crime involving domestic violence; in no case shall a penalty assessment ((not to)) exceed one hundred fifteen dollars on any person convicted of a crime involving domestic violence. The assessment shall be in addition to, and shall not supersede, any other penalty, restitution, fines, or costs provided by law.

(2) Revenue from the:

(a) One hundred dollar assessment shall be used solely for the purposes of establishing and funding domestic violence advocacy and domestic violence prevention and prosecution programs in the city or county of the court imposing the assessment. Such revenue from the assessment shall not be used for indigent criminal defense. If the city or county does not have domestic violence advocacy or domestic violence prevention and prosecution programs, cities and counties may use the revenue collected from the assessment to contract with recognized community-based domestic violence program providers.

(b) Fifteen dollar assessment must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(3) The one hundred dollar assessment imposed under this section shall not be subject to any state or local remittance requirements under chapter 3.46, 3.50, 3.62, 7.68, 10.82, or 35.20 RCW.

(4) For the purposes of this section, "convicted" includes a plea of guilty, a finding of guilt regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, or the levying of a fine. For the purposes of this section, "domestic violence" has the same meaning as that term is defined under RCW 10.99.020 and includes violations of equivalent local ordinances.

(5) When determining whether to impose a penalty assessment under this section, judges are encouraged to solicit input from the victim or representatives for the victim in assessing the ability of the convicted offender to pay the penalty, including information regarding current financial obligations, family circumstances, and ongoing restitution.

**Sec. 15.** RCW 26.50.110 and 2013 c 84 s 31 are each amended to read as follows:

(1)(a) Whenever an order is granted under this chapter, chapter 7.92, 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:

(i) 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.

(ii) Shall impose a fine of fifteen dollars, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the fifteen dollar fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(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 7.92, 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 7.92, 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 7.92, 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 7.92, 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 7.92, 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.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1)RCW 70.123.050 (Contracts with nonprofit organizations—Purposes) and 1979 ex.s. c 245 s 5; and

(2)RCW 70.123.130 (Technical assistance grant program—Local communities) and 1991 c 301 s 11."

Correct the title.

Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

MINORITY recommendation: Without recommendation.  
Signed by Representative Klippert, Ranking Minority Member.

Referred to Committee on Appropriations.

March 30, 2015

SSB 5640 Prime Sponsor, Committee on Transportation: Concerning the limitation on towing and storage deficiency claims after auction of a private property vehicle impound. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Bergquist; Gregerson; Hayes; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Riccelli; Rodne; Sells; Takko and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Pike and Young.

MINORITY recommendation: Without recommendation.  
Signed by Representatives Hargrove, Assistant Ranking Minority Member; Harmsworth; Shea; Wilson and Zeiger.

Passed to Committee on Rules for second reading.

April 1, 2015

E2SSB 5649 Prime Sponsor, Committee on Ways & Means: Concerning involuntary outpatient mental health treatment. (REVISED FOR ENGROSSED: Concerning the involuntary treatment act. ) Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Stokesbary and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Shea, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 31, 2015

SB 5650 Prime Sponsor, Senator Padden: Modifying provisions governing inmate funds subject to deductions. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass as amended by Committee on Public Safety. Signed by Representatives Hudgins, Chair; Senn, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; McCabe; Morris and Takko.

Passed to Committee on Rules for second reading.

April 1, 2015  
SSB 5715 Prime Sponsor, Committee on Ways & Means:  
 Including the contents of fiscal impact statements  
 in the ballot title for certain initiative measures.  
 Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed  
 by Representatives Hunt, S., Chair; Bergquist, Vice Chair;  
 Appleton and Gregory.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Holy, Ranking Minority Member; Van  
 Werven, Assistant Ranking Minority Member and Hawkins.

Passed to Committee on Rules for second reading.

April 1, 2015  
SB 5777 Prime Sponsor, Senator Becker: Concerning state  
 employee whistleblower protection. Reported by  
 Committee on State Government

MAJORITY recommendation: Do pass. Signed by  
 Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy,  
 Ranking Minority Member; Van Werven, Assistant Ranking  
 Minority Member; Appleton; Gregory and Hawkins.

Passed to Committee on Rules for second reading.

April 1, 2015  
ESSB 5785 Prime Sponsor, Committee on Government  
 Operations & Security: Revising the definition of  
 official duties of state officers. Reported by  
 Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed  
 by Representatives Hunt, S., Chair; Bergquist, Vice Chair;  
 Appleton and Gregory.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Holy, Ranking Minority Member; Van  
 Werven, Assistant Ranking Minority Member and Hawkins.

Passed to Committee on Rules for second reading.

April 1, 2015  
SB 5793 Prime Sponsor, Senator Darneille: Providing  
 credit towards child support obligations for  
 veterans benefits. Reported by Committee on  
 Judiciary

MAJORITY recommendation: Do pass. Signed by  
 Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne,  
 Ranking Minority Member; Shea, Assistant Ranking Minority  
 Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri;  
 Orwall; Stokesbary and Walkinshaw.

Passed to Committee on Rules for second reading.

April 1, 2015  
ESSB 5810 Prime Sponsor, Committee on Government  
 Operations & Security: Promoting the use,  
 acceptance, and removal of barriers to the use and  
 acceptance of electronic signatures. Reported by  
 Committee on State Government

MAJORITY recommendation: Do pass. Signed by  
 Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy,  
 Ranking Minority Member; Van Werven, Assistant Ranking  
 Minority Member; Appleton; Gregory and Hawkins.

Passed to Committee on Rules for second reading.

March 31, 2015  
SSB 5820 Prime Sponsor, Committee on Transportation:  
 Concerning the sale of certain department of  
 transportation surplus property. Reported by  
 Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed  
 by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey,  
 Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority  
 Member; Hargrove, Assistant Ranking Minority Member;  
 Bergquist; Gregerson; Harmsworth; Hayes; Kochmar;  
 McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Sells;  
 Takko; Tarleton; Wilson and Zeiger.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Shea and Young.

Passed to Committee on Rules for second reading.

March 25, 2015  
ESSB 5826 Prime Sponsor, Committee on Ways & Means:  
 Creating the Washington small business  
 retirement marketplace. Reported by Committee  
 on Appropriations

MAJORITY recommendation: Do pass as amended. Signed  
 by Representatives Hunter, Chair; Ormsby, Vice Chair;  
 Wilcox, Assistant Ranking Minority Member; Cody; Dunshee;  
 Hansen; Hudgins; Jinkins; Kagi; Lytton; Magendanz;  
 Pettigrew; Sawyer; Senn; Springer; Stokesbary; Sullivan and  
 Tharinger.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Chandler, Ranking Minority Member; Buys;  
 Condotta; Fagan; Haler; Hunt, G.; MacEwen; Taylor and Van  
 Werven.

MINORITY recommendation: Without recommendation.  
 Signed by Representatives Parker, Assistant Ranking Minority  
 Member; Dent and Schmick.

Passed to Committee on Rules for second reading.

March 31, 2015  
ESB 5863 Prime Sponsor, Senator Jayapal: Concerning  
 highway construction workforce development.  
 Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the  
 following:

"Sec. 1. RCW 47.01.435 and 2012 c 66 s 1 are each amended  
 to read as follows:

(1) The department shall expend federal funds received by the  
 department, and funds that may be available to the department,  
 under 23 U.S.C. Sec. 140(b) to increase diversity in the highway  
 construction workforce and prepare individuals interested in

entering the highway construction workforce by conducting activities in subsections (4) and (5) of this section.

(2) The requirements contained in subsection (1) of this section do not apply to or reduce the federal funds that would be otherwise allocated to local government agencies.

(3) The department shall, ~~((to the greatest extent practicable,))~~ in coordination with the ~~((apprenticeship and training council described in chapter 49.04 RCW))~~ department of labor and industries, expend moneys for apprenticeship preparation and support services, including providing grants to local Indian tribes, churches, nonprofits, and other organizations. The department shall, to the greatest extent practicable, expend moneys from ~~((other))~~ sources other than those specified in subsection (1) of this section for the activities in this subsection and subsections (4) and (5) of this section.

(4) The department shall coordinate with the ~~((apprenticeship and training council))~~ department of labor and industries to provide any portion of the following services:

(a) Preapprenticeship programs approved by the apprenticeship and training council;

(b) Preemployment counseling;

(c) Orientations on the highway construction industry, including outreach to women, minorities, and other disadvantaged individuals;

(d) Basic skills improvement classes;

(e) Career counseling;

(f) Remedial training;

(g) Entry requirements for training programs;

(h) Supportive services and assistance with transportation;

(i) Child care and special needs;

(j) Job site mentoring and retention services; ~~((and))~~

(k) Assistance with tools, protective clothing, and other related support for employment costs; and

(l) The recruitment of women and persons of color to participate in the apprenticeship program at the department.

(5) The department must actively engage with communities with populations that are underrepresented in current transportation apprenticeship programs.

(6) The department, in coordination with the ((apprenticeship and training council)) department of labor and industries, shall submit a report to the transportation committees of the legislature by December 1st of each year beginning in 2012. The report must contain:

(a) An analysis of the results of the activities in subsections (4) and (5) of this section;

(b) The amount available to the department from federal funds for the activities in subsections (4) and (5) of this section and the amount expended for those activities; and

(c) The performance outcomes achieved from each activity, including the number of persons receiving services, training, and employment.

(7) By December 31, 2020, the department must report to the legislature on the results of how the department's efforts to actively engage with communities with populations that are underrepresented in current transportation apprenticeship programs have resulted in an increased participation of underrepresented groups in the department's apprenticeship program over a five-year period."

Correct the title.

Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Bergquist; Gregerson; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Riccelli; Sells; Takko; Tarleton and Zeiger.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth; Hayes; Pike; Shea; Wilson and Young.

Passed to Committee on Rules for second reading.

March 31, 2015

ESB 5935 Prime Sponsor, Senator Parlette: Concerning biological products. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Referred to Committee on Appropriations.

April 1, 2015

SSB 5965 Prime Sponsor, Committee on Agriculture, Water & Rural Economic Development: Evaluating mitigation options for impacts to base flows and minimum instream flows. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Beginning on page 1, line 17, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. (1) The department of ecology must produce a report evaluating options for mitigating the effects of permit-exempt groundwater withdrawals on existing water rights, including base flows and minimum instream flows. For the purposes of the report required in this section, the mitigation techniques that the department of ecology must evaluate include, but are not limited to:

(a) Demand management strategies, such as household conservation and associated water use metering;

(b) Supply side strategies, such as use of rainwater collection, greywater, cisterns, bulk or hauled water, and the extension of water supply pipelines.

(2) When preparing the report required under this section, the department of ecology must:

(a) Consult with the office of the attorney general;

(b) Coordinate with the existing water resources advisory committee formed by the department of ecology to provide feedback on the development of the report and any final recommendations; and

(c) Make available a draft of the report on its web site for at least thirty days for public review prior to the completion of the report to allow sufficient opportunity to consider input that may be received.

(3) The report required in this section must include:

(a) An examination of scientific methods for establishing instream flows, including a discussion of methods regularly used by the department of ecology and the department of fish and wildlife for each element of the instream flows required to be protected under RCW 90.54.020(3);

(b)(i) An analysis of the impacts, including cumulative impacts, of permit-exempt groundwater withdrawals on instream flows in several representative basins, including the impacts from existing and future withdrawals based on full build out scenarios.

(ii) The analysis required under this subsection should include a specific focus on impacts to tributaries that serve as habitat for salmonid spawning and rearing and should include empirical data concerning household water use for each category of use identified in RCW 90.44.050;

(c) A description of mitigation techniques, including out-of-kind mitigation, the department of ecology has employed or approved pursuant to RCW 90.03.255 in the previous ten years, or which may be available, to address the impacts of permit-exempt groundwater withdrawals on instream flows, including the location, cost, and legal authority for each type of mitigation technique;

(d) A survey of in-kind streamflow enhancement strategies, other than regulation of permit-exempt groundwater withdrawals, that would improve streamflow levels in a cost-effective manner;

(e)(i) An assessment of the effectiveness of each type of mitigation technique identified in (c) of this subsection, that may be available to the department of ecology to mitigate the impacts of permit-exempt groundwater withdrawals on instream flows.

(ii) The analyses required under this section must include:

(A) A scientific analysis of how the technique fully mitigates for harm; and

(B) An evaluation of how the mitigation techniques are funded, monitored, enforced, evaluated to determine effectiveness, and modified if mitigation fails;

(f) An evaluation of all mitigation options that may be available for permit-exempt groundwater withdrawals in the areas covered under the instream resources protection program for the lower and upper Skagit river basin, water resource inventory areas 3 and 4, and a discussion of the advantages and disadvantages of employing each type of mitigation technique in those areas;

(g) An evaluation of how mitigation sequencing approaches may be utilized to encourage avoidance of impacts; and

(h) Any recommendations regarding mitigation options that will be available to landowners who are required to mitigate the impacts of permit-exempt groundwater withdrawals on instream flows.

(4) By December 1, 2015, the department of ecology must submit the final report to the legislature consistent with RCW 43.01.036.

**NEW SECTION. Sec. 3.** This act expires June 30, 2016."

Renumber the remaining section consecutively and correct the title.

On page 1, line 6, after "development" strike all material through "flows." on line 16 and insert "requires access to uninterrupted water supplies. However, water supplies are not unlimited due to senior water rights and regulations that establish base flows and minimum instream flows. When senior water rights and flow regulations limit additional out-of-stream uses, mitigation options may provide a viable option if they are readily available and well-understood. The legislature recognizes the importance of providing clarity regarding the range of available mitigation options to help provide economic opportunities in rural areas."

Signed by Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dunshee; Hurst; Pettigrew; Stanford and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Assistant Ranking Minority Member; Chandler; Orcutt and Schmick.

Referred to Committee on General Government & Information Technology.

April 1, 2015

SSB 5972

Prime Sponsor, Committee on Agriculture, Water & Rural Economic Development: Concerning the procurement of seeds by state agencies. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Dunshee; Hurst; Orcutt; Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

April 1, 2015

SSB 6019

Prime Sponsor, Committee on Law & Justice: Addressing adjudicative proceedings by state agencies. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Stokesbary and Walkinshaw.

Passed to Committee on Rules for second reading.

March 31, 2015

ESB 6044

Prime Sponsor, Senator Erickson: Requiring the consideration of public access when designing a transportation facility adjacent to or across a waterway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Bergquist; Gregerson; Harmsworth; Hayes; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Sells; Shea; Takko; Tarleton; Wilson; Young and Zeiger.

Passed to Committee on Rules for second reading.

There being no objection, the bills, memorials and resolutions listed on the day's committee reports and supplemental committee reports, under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1106, HOUSE BILL NO. 1115 and HOUSE BILL NO. 1166 which were placed on the second reading calendar.

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

There being no objection, the Committee on Appropriations was relieved of SUBSTITUTE SENATE BILL NO. 5175, and the bill was referred to the Committee on Rules.

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., April 2, 2015, the 81st Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

Draft

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1166	Committee Report .....	1
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5081-S	Committee Report .....	1
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